

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading

LLS NO. 11-0119.01 Jery Payne

SENATE BILL 11-169

SENATE SPONSORSHIP

Boyd,

HOUSE SPONSORSHIP

Summers,

Senate Committees

Health and Human Services
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF PEOPLE WORKING WITHIN A**
102 **PHYSICAL THERAPIST'S SCOPE OF PRACTICE, AND MAKING AN**
103 **APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Sunset Process - Senate Health and Human Services Committee. The bill implements the following recommendations of the department of regulatory agencies in its sunset review of the regulation of physical therapists:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! The regulation of physical therapists is continued until 2018.
- ! The board of physical therapy (board) is reestablished and the physical therapy advisory committee is repealed.
- ! Physical therapists are permitted to use an automated external defibrillator.
- ! The program of "All-inclusive Care for the Elderly" is added to the list of physical therapy work settings that are exempt from the corporate practice law.
- ! A physical therapist's failure to properly address a physical or mental condition is established as grounds for discipline, and the board is authorized to create confidential agreements with physical therapists to address these conditions.
- ! Physical therapists are required to maintain professional liability insurance.
- ! The standard for discipline for inappropriate drug use is changed to be triggered by acts, not status.
- ! Physical therapists who have had their licenses revoked or who have surrendered their licenses, in lieu of disciplinary action, are required to wait 2 years to reapply.
- ! Failure to respond to a complaint is established as grounds for discipline.
- ! The provision denying renewal of an existing physical therapist license is repealed.

In addition, the scope of a physical therapist's practice is expanded to include wound care.

The bill authorizes the heir of a shareholder of a physical therapy practice to own the practice for up to 2 years even if the heir is not a physical therapist. The physical therapy board is directed to promulgate rules covering the supervision of assistants and nurse aides.

The bill authorizes the physical therapy board to certify physical therapist assistants. Certification is needed to hold oneself out to be a physical therapist assistant. In order to qualify to be certified as a physical therapist assistant, an applicant must pass an examination and complete a training program. Alternatively, the applicant must have qualified to take the examination or qualified for certification by endorsement. Grounds for withholding or denial of a certificate are established.

An applicant for licensure must submit an application and pay a fee established by the board.

A physical therapist assistant must be under the supervision of a physical therapist to assist in the clinical practice of physical therapy. Grounds for discipline and discipline procedures are established.

The bill establishes standards for mental and physical competency

and for judicial review of board actions resulting in the surrender of a physical therapist assistant's certificate. A person who violates the qualification standards for physical therapist assistants is subject to penalties. The board may initiate injunction proceedings against a person practicing in violation of the certification requirements.

The functions of the board are subject to review and potential repeal under the sunset law.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Repeal. 24-34-104 (42) (e), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.

(42) The following agencies, functions, or both, shall terminate on July 1, 2011:

~~(e) The licensing of physical therapists by the director of the division of registrations in accordance with article 41 of title 12, C.R.S.;~~

SECTION 2. 24-34-104 (49.5), Colorado Revised Statutes, is amended to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.

(49.5) The following agencies, functions, or both, shall terminate on September 1, 2018:

(a) The automobile theft prevention authority and the automobile theft prevention board, created in section 42-5-112, C.R.S.;

(b) THE LICENSING OF PHYSICAL THERAPISTS BY THE PHYSICAL THERAPY BOARD IN ACCORDANCE WITH ARTICLE 41 OF TITLE 12, C.R.S.;

(c) THE CERTIFICATION OF PHYSICAL THERAPIST ASSISTANTS BY THE PHYSICAL THERAPY BOARD IN ACCORDANCE WITH ARTICLE 41 OF TITLE 12, C.R.S.

1 **SECTION 3.** 12-41-130 (1) and (2) (a), Colorado Revised
2 Statutes, are amended to read:

3 **12-41-130. Repeal of article.** (1) This ~~article~~ PART 1 is repealed,
4 effective ~~July 1, 2011~~ SEPTEMBER 1, 2018.

5 (2) (a) The licensing functions of the ~~director of the division of~~
6 ~~registrations~~ BOARD as set forth in this ~~article~~ PART 1 are terminated ~~July~~
7 ~~1, 2011~~ SEPTEMBER 1, 2018.

8 **SECTION 4.** 12-41-103, Colorado Revised Statutes, is amended
9 **BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to**
10 **read:**

11 **12-41-103. Definitions.** As used in this article, unless the context
12 otherwise requires:

13 (1.5) "BOARD" MEANS THE PHYSICAL THERAPY BOARD CREATED
14 IN SECTION 12-41-103.3.

15 (5.5) "PHYSICAL THERAPIST ASSISTANT" MEANS A PERSON WHO IS
16 REQUIRED TO BE CERTIFIED UNDER PART 2 OF THIS ARTICLE AND WHO
17 ASSISTS A PHYSICAL THERAPIST IN SELECTED COMPONENTS OF PHYSICAL
18 THERAPY.

19 **SECTION 5.** 12-41-103 (6) (a) (II), Colorado Revised Statutes,
20 is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH
21 to read:

22 **12-41-103. Definitions.** As used in this article, unless the context
23 otherwise requires:

24 (6) (a) (II) For purposes of this article "physical therapy" includes:

25 (F) GENERAL WOUND CARE, INCLUDING THE ASSESSMENT AND
26 MANAGEMENT OF SKIN LESIONS, SURGICAL INCISIONS, OPEN WOUNDS, AND
27 AREAS OF POTENTIAL SKIN BREAKDOWN IN ORDER TO MAINTAIN OR

1 RESTORE THE INTEGUMENTARY SYSTEM.

2 **SECTION 6.** Article 41 of title 12, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **12-41-103.3. Physical therapy board - created - repeal.**

5 (1)(a) THE STATE PHYSICAL THERAPY BOARD IS HEREBY CREATED AS THE
6 AGENCY FOR REGULATION OF THE PRACTICE OF PHYSICAL THERAPY IN THIS
7 STATE AND TO CARRY OUT THE PURPOSES OF THIS ARTICLE. THE BOARD
8 CONSISTS OF FIVE PHYSICAL THERAPIST MEMBERS AND TWO MEMBERS
9 FROM THE PUBLIC AT LARGE, EACH MEMBER TO BE APPOINTED BY THE
10 GOVERNOR BY NO LATER THAN JANUARY 1, 2012, FOR TERMS OF FOUR
11 YEARS. A MEMBER SHALL NOT SERVE MORE THAN TWO CONSECUTIVE
12 TERMS OF FOUR YEARS. THE GOVERNOR SHALL GIVE DUE CONSIDERATION
13 TO HAVING A GEOGRAPHIC, POLITICAL, URBAN, AND RURAL BALANCE
14 AMONG THE BOARD MEMBERS.

15 (b) EACH MEMBER OF THE BOARD RECEIVES THE COMPENSATION
16 PROVIDED FOR IN SECTION 24-34-102 (13), C.R.S.

17 (c) THE BOARD EXERCISES ITS POWERS AND PERFORMS ITS DUTIES
18 AND FUNCTIONS UNDER THE DIVISION OF REGISTRATIONS AS IF THE
19 POWERS, DUTIES, AND FUNCTIONS WERE TRANSFERRED TO THE DIVISION BY
20 A TYPE 1 TRANSFER, AS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION
21 ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S. THE DIVISION SHALL
22 PROVIDE NECESSARY MANAGEMENT SUPPORT TO THE BOARD UNDER
23 SECTION 24-34-102, C.R.S.

24 (d) (I) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION
25 (1), THE INITIAL TERMS OF THE PHYSICAL THERAPIST MEMBERS ARE AS
26 FOLLOWS:

27 (A) ONE MEMBER SERVES A TWO-YEAR TERM;

1 (B) TWO MEMBERS SERVE THREE-YEAR TERMS; AND

2 (C) TWO MEMBERS SERVE FOUR-YEAR TERMS.

3 (II) THE INITIAL TERMS FOR THE PUBLIC MEMBERS ARE AS
4 FOLLOWS:

5 (A) ONE MEMBER SERVES A TWO-YEAR TERM; AND

6 (B) ONE MEMBER SERVES A FOUR-YEAR TERM.

7 (III) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE SEPTEMBER 1,
8 2016.

9 (2) A PERSON IS QUALIFIED TO BE APPOINTED TO THE BOARD IF THE
10 PERSON:

11 (a) IS A LEGAL RESIDENT OF COLORADO; AND

12 (b) IS CURRENTLY LICENSED IN GOOD STANDING, WITH NO
13 RESTRICTIONS, AS A PHYSICAL THERAPIST AND ACTIVELY ENGAGED IN THE
14 PRACTICE OF PHYSICAL THERAPY IN THIS STATE FOR AT LEAST FIVE YEARS
15 PRECEDING HIS OR HER APPOINTMENT, IF FULFILLING THE POSITION OF
16 PHYSICAL THERAPIST ON THE BOARD.

17 (3) SHOULD A VACANCY OCCUR IN ANY BOARD MEMBERSHIP
18 BEFORE THE EXPIRATION OF THE MEMBER'S TERM, THE GOVERNOR SHALL
19 FILL SUCH VACANCY BY APPOINTMENT FOR THE REMAINDER OF THE TERM
20 IN THE SAME MANNER AS IN THE CASE OF ORIGINAL APPOINTMENTS. A
21 MEMBER OF THE BOARD SHALL REMAIN ON THE BOARD UNTIL HIS OR HER
22 SUCCESSOR HAS BEEN APPOINTED. A MEMBER MAY BE REMOVED BY THE
23 GOVERNOR FOR MISCONDUCT, INCOMPETENCE, OR NEGLECT OF DUTY.

24 **SECTION 7.** Article 41 of title 12, Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW SECTION CONTAINING
26 RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

27 **12-41-103.6. [Formerly 12-41-125] Powers and duties of**

1 **board - reports - publications - rules - repeal.** (1) (a) The ~~director is~~
2 ~~authorized to~~ BOARD SHALL administer and enforce the provisions of this
3 article and ~~any rules and regulations~~ adopted under this article.

4 (b) THE DIRECTOR RETAINS THE AUTHORITY GRANTED TO THE
5 BOARD UNTIL A BOARD IS CONSTITUTED AND RULES ARE PROMULGATED.
6 THE DIRECTOR'S RULES REMAIN IN EFFECT UNTIL REPEALED BY THE
7 DIRECTOR. THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2013.

8 (2) In addition to any other powers and duties given the ~~director~~
9 BOARD by this article, the ~~director shall have~~ BOARD HAS the following
10 powers and duties:

11 (a) To evaluate the qualifications of applicants for licensure,
12 administer examinations, issue and renew ~~the~~ licenses and permits
13 authorized under this article, and to take ~~the~~ disciplinary actions
14 authorized under this article;

15 (b) To adopt all reasonable and necessary rules for the
16 administration and enforcement of this article, including ~~but not limited~~
17 ~~to~~, rules regarding:

18 (I) The supervision of unlicensed persons by physical therapists,
19 taking into account the education and training of ~~such~~ THE unlicensed
20 individuals; and

21 (II) Physical therapy of animals, including, without limitation,
22 educational and clinical requirements for the performance of physical
23 therapy of animals and the procedure for handling complaints to the
24 department of regulatory agencies regarding physical therapy of animals.

25 In adopting such rules, the ~~director~~ BOARD shall consult ~~with the physical~~
26 ~~therapy advisory committee established pursuant to section 12-41-126 and~~
27 ~~with the state board of veterinary medicine established pursuant to~~ BY

1 section 12-64-105.

2 (c) (I) To conduct hearings upon charges for discipline of a
3 licensee and cause the prosecution and enjoinder of all persons violating
4 this article;

5 (II) (A) To administer oaths, take affirmations of witnesses, and
6 issue subpoenas to compel the attendance of witnesses and the production
7 of all relevant papers, books, records, documentary evidence, and
8 materials in any hearing, investigation, accusation, or other matter coming
9 before the ~~director~~ BOARD. The ~~director~~ BOARD may appoint an
10 administrative law judge pursuant to part 10 of article 30 of title 24,
11 C.R.S., to take evidence and to make findings and report them to the
12 ~~director~~ BOARD.

13 ~~(HH)~~ (B) Upon failure of ~~any~~ A witness to comply with ~~such~~ A
14 subpoena or process, the district court of the county in which the
15 subpoenaed person or ~~license~~ LICENSEE resides or conducts business,
16 upon application by the board ~~or director~~ with notice to the subpoenaed
17 person or licensee, may issue to the person or licensee an order requiring
18 that person or licensee to appear before the ~~director~~ BOARD; to produce
19 the relevant papers, books, records, documentary evidence, or materials
20 if so ordered; or to give evidence touching the matter under investigation
21 or in question. THE COURT MAY PUNISH A failure to obey ~~the~~ ITS order ~~of~~
22 ~~the court may be punished by the court~~ as a contempt of court.

23 (d) To maintain a register listing the name of every physical
24 therapist, ~~licensed to practice in this state~~, including the ~~last-known place~~
25 ~~of business~~ CONTACT ADDRESS, last-known place of residence, and the
26 license number of each licensee; AND

27 ~~(e) Repealed.~~

1 ~~(f) Subject to the provisions of section 12-41-128 and section~~
2 ~~24-34-105, C.R.S., to establish fines, set fees, and make such~~
3 ~~expenditures as the director may deem necessary for the administration~~
4 ~~of the provisions of this article;~~

5 ~~(g) Repealed.~~

6 ~~(h) To ensure that publications issued or circulated by the director~~
7 ~~in quantity outside the executive branch are in accordance with the~~
8 ~~provisions of section 24-1-136, C.R.S.;~~

9 ~~(i) (e) To promote consumer protection and consumer education~~
10 ~~by such means as the director BOARD finds appropriate. and~~

11 ~~(j) To appoint advisory committees to assist in the performance of~~
12 ~~the director's duties. Members of any such advisory committee shall~~
13 ~~receive no compensation for their services but shall be reimbursed for~~
14 ~~actual and necessary expenses which they may incur in the performance~~
15 ~~of their duties. Such reimbursement shall be cash funded and shall not~~
16 ~~exceed the amount anticipated to be raised from fees collected pursuant~~
17 ~~to this article.~~

18 **SECTION 8.** The introductory portion to 12-41-105 (1) and
19 12-41-105 (1) (b), Colorado Revised Statutes, are amended to read:

20 **12-41-105. Limitations on authority.** (1) Nothing in this article
21 ~~shall be construed as authorizing~~ AUTHORIZES a physical therapist to
22 perform any of the following acts:

23 (b) Use of roentgen rays and radioactive materials for therapeutic
24 purposes; the use of electricity for surgical purposes; ~~or lifesaving~~
25 ~~measures;~~ or the diagnosis of disease.

26 **SECTION 9.** 12-41-106, Colorado Revised Statutes, is amended
27 to read:

1 **12-41-106. License required.** Except as otherwise provided by
2 this article, any person who practices physical therapy or who represents
3 oneself as being able to practice physical therapy in this state must
4 possess a valid license issued by the director in accordance with this
5 article and any rules and regulations adopted under this article.

6 **SECTION 10.** 12-41-107, Colorado Revised Statutes, is amended
7 to read:

8 **12-41-107. Licensure by examination.** (1) Every applicant for
9 a license by examination shall:

10 (a) Successfully complete a physical therapy program:

11 (I) ~~Which~~ THAT is accredited by a nationally recognized
12 accrediting agency; or

13 (II) ~~Which~~ THAT the director, after consultation with the advisory
14 ~~committee created in section 12-41-126,~~ BOARD has determined to be
15 substantially equivalent. ~~It is the intent of~~ The general assembly INTENDS
16 that ~~such~~ THIS determination be liberally construed to ensure qualified
17 applicants seeking licensure under this article the right to take the
18 qualifying examination. ~~authorized under this article.~~ It is not the intent
19 of The general assembly ~~that~~ DOES NOT INTEND FOR technical barriers TO
20 be used to deny such applicants the right to take ~~such~~ THE examination.

21 (b) Pass a written examination ~~administered by the director~~ in
22 accordance with subsection (2) of this section THAT IS:

23 (I) APPROVED BY THE BOARD; AND

24 (II) A NATIONAL EXAMINATION ACCREDITED BY A NATIONALLY
25 RECOGNIZED ACCREDITING AGENCY;

26 (c) Submit an application in the form and manner designated by
27 the director; and

1 (d) Pay a fee in an amount determined by the director.

2 (2) ~~(a) The director shall prepare and develop or acquire the~~
3 ~~examination required for licensing. In developing or acquiring such~~
4 ~~examination, the director or the director's designee is authorized to~~
5 ~~consult with persons or organizations knowledgeable in the requirements~~
6 ~~necessary for minimal competency in the practice of physical therapy.~~

7 ~~(b) The examination shall be held within the state at such times~~
8 ~~and places as the director shall determine.~~

9 ~~(c) The director shall determine the passing score to reflect a~~
10 ~~standard of minimum competency for the practice of physical therapy.~~

11 ~~(d) The director~~ BOARD may refuse to ~~examine~~ PERMIT an
12 applicant TO TAKE THE EXAMINATION if the application is incomplete, if
13 ~~it indicates that the applicant is not qualified to sit for the examination, or~~
14 if the applicant has committed any act which would be grounds for
15 disciplinary action under section 12-41-115.

16 ~~(e) Written notice stating whether the applicant passed or failed~~
17 ~~the examination shall be mailed to each applicant who takes the~~
18 ~~examination.~~

19 (3) When the applicant has fulfilled all the requirements of
20 subsection (1) of this section, the ~~director~~ BOARD shall issue a license to
21 the applicant; except that the ~~director~~ BOARD may deny ~~such~~ THE license
22 if the applicant has committed ~~any~~ AN act which would be grounds for
23 disciplinary action under section 12-41-115.

24 **SECTION 11.** 12-41-109 (1) (a), (2), (4), and (5), Colorado
25 Revised Statutes, are amended to read:

26 **12-41-109. Licensure by endorsement.** (1) An applicant for
27 licensure by endorsement shall:

1 (a) Possess an active, A valid license in good standing from
2 another state or territory of the United States;

3 (2) Upon receipt of all documents required by subsection (1) of
4 this section, the director shall review the application and ~~make a~~
5 ~~determination of~~ DETERMINE IF the ~~applicant's qualification~~ APPLICANT IS
6 QUALIFIED to be licensed by endorsement.

7 (4) The director shall notify the applicant in writing of the denial
8 or approval of the application.

9 (5) The ~~director~~ BOARD may deny ~~such~~ A license if the applicant
10 has committed ~~any~~ AN act which would be grounds for disciplinary action
11 under section 12-41-115.

12 **SECTION 12.** The introductory portion to 12-41-109 (3) and
13 12-41-109 (3) (c) (I), as it will become effective July 1, 2011, Colorado
14 Revised Statutes, are amended to read:

15 **12-41-109. Licensure by endorsement.** (3) The ~~director~~ BOARD
16 shall issue a license if the applicant fulfills the requirements of subsection
17 (1) of this section and meets any one of the following qualifying
18 standards enumerated in paragraphs (a) to (c) of this subsection (3):

19 (c) The applicant has not practiced as a licensed physical therapist
20 at least two of the last five years immediately preceding the date of the
21 receipt of the application, and:

22 (I) The applicant passed an examination in another jurisdiction
23 ~~which examination~~ THAT is substantially equivalent to ~~that~~ THE
24 EXAMINATION specified in section 12-41-107 (1) (b), and has
25 demonstrated competency through successful completion of an internship
26 or demonstrated competency as a physical therapist ~~that fulfills~~ BY
27 FULFILLING the requirements established by rules of the ~~director~~ BOARD.

1 **SECTION 13.** The introductory portion to 12-41-111 (1) and
2 12-41-111 (1) (c), (2), and (3), Colorado Revised Statutes, are amended
3 to read:

4 **12-41-111. Licensing of foreign-trained applicants.** (1) Every
5 foreign-trained applicant for licensing by examination shall:

6 (c) Pass a written examination ~~administered~~ APPROVED by the
7 ~~director~~ BOARD in accordance with section 12-41-107 ~~(2)~~ (1) (b);

8 (2) ~~When the director has verified the credentials and documents~~
9 ~~required to be submitted by the foreign-trained applicant pursuant to~~
10 ~~paragraphs (a), (b), (d), and (e) of subsection (1) of this section, he shall~~
11 ~~qualify such applicant to take the examination required in paragraph (c)~~
12 ~~of subsection (1) of this section~~ UPON RECEIPT OF ALL DOCUMENTS
13 REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL
14 REVIEW THE APPLICATION AND DETERMINE IF THE APPLICANT IS QUALIFIED
15 TO BE LICENSED.

16 (3) When the applicant has fulfilled all requirements of subsection
17 (1) of this section, the ~~director~~ BOARD shall issue a license to the
18 applicant; except that the ~~director~~ BOARD may deny the application if the
19 applicant has committed ~~any~~ AN act which would be grounds for
20 disciplinary action under section 12-41-115.

21 **SECTION 14.** 12-41-112, Colorado Revised Statutes, is
22 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

23 **12-41-112. Expiration and renewal of licenses.** AN APPLICANT
24 FOR LICENSURE SHALL PAY LICENSE, RENEWAL, AND REINSTATEMENT FEES
25 ESTABLISHED BY THE DIRECTOR IN THE SAME MANNER AS IS AUTHORIZED
26 IN SECTION 24-34-105, C.R.S. A LICENSEE SHALL RENEW A LICENSE IN
27 ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE DIRECTOR

1 PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY
2 ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT
3 UNDER SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW A
4 LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR,
5 THE LICENSE EXPIRES. A PERSON WHOSE LICENSE HAS EXPIRED IS SUBJECT
6 TO THE PENALTIES PROVIDED IN THIS ARTICLE AND SECTION 24-34-102 (8),
7 C.R.S.

8 **SECTION 15.** Part 1 of article 41 of title 12, Colorado Revised
9 **Statutes, is amended BY THE ADDITION OF A NEW SECTION to**
10 **read:**

11 **12-41-112.5 Inactive license.** A PHYSICAL THERAPIST MAY
12 **REQUEST THAT THE BOARD INACTIVATE OR ACTIVATE THE PHYSICAL**
13 **THERAPIST'S LICENSE. THE BOARD SHALL PROMULGATE RULES GOVERNING**
14 **THE ACTIVATION AND INACTIVATION OF LICENSES. NOTWITHSTANDING**
15 **ANY LAW TO THE CONTRARY, THE BOARD'S RULES MAY LIMIT THE**
16 **APPLICABILITY OF STATUTORY REQUIREMENTS FOR MAINTAINING**
17 **PROFESSIONAL LIABILITY INSURANCE AND CONTINUING PROFESSIONAL**
18 **COMPETENCE FOR A LICENSEE WHOSE LICENSE IS CURRENTLY INACTIVE.**
19 **THE BOARD NEED NOT REACTIVATE AN INACTIVE LICENSE IF THE PHYSICAL**
20 **THERAPIST HAS COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR**
21 **DISCIPLINARY ACTION UNDER SECTION 12-41-115. A PHYSICAL THERAPIST**
22 **WHOSE LICENSE IS CURRENTLY INACTIVE SHALL NOT PRACTICE PHYSICAL**
23 **THERAPY.**

24 **SECTION 16.** 12-41-113 (1), Colorado Revised Statutes, is
25 amended to read:

26 **12-41-113. Special practice authorities and requirements -**
27 **rules. (1) Supervising persons not licensed as a physical therapist.**

1 ~~A physical therapist may utilize the services of not more than three~~
2 ~~unlicensed individuals to assist in that therapist's practice. Such~~
3 ~~individuals shall at all times be under the direct supervision of the~~
4 ~~physical therapist unless such individuals are physical therapist assistants~~
5 ~~who shall be under responsible direction and supervision of the physical~~
6 ~~therapist~~ A PHYSICAL THERAPIST MAY SUPERVISE UP TO FOUR INDIVIDUALS
7 AT ONE TIME WHO ARE NOT PHYSICAL THERAPISTS, INCLUDING CERTIFIED
8 NURSE AIDES, TO ASSIST IN THE THERAPIST'S CLINICAL PRACTICE; EXCEPT
9 THAT THIS LIMIT DOES NOT INCLUDE STUDENT PHYSICAL THERAPISTS AND
10 STUDENT PHYSICAL THERAPIST ASSISTANTS SUPERVISED BY A PHYSICAL
11 THERAPIST FOR EDUCATIONAL PURPOSES. THE BOARD SHALL
12 PROMULGATE RULES GOVERNING THE REQUIRED SUPERVISION. THIS
13 SUBSECTION (1) DOES NOT AFFECT OR LIMIT THE INDEPENDENT PRACTICE
14 OR JUDGEMENT OF OTHER PROFESSIONS REGULATED UNDER THIS TITLE.
15 For purposes of this subsection (1), a "physical therapist assistant" means
16 a person ~~who has successfully completed a physical therapist assistant~~
17 ~~program accredited by the commission on accreditation in physical~~
18 ~~therapy education or any comparable successor entity; who is registered,~~
19 ~~licensed, or certified as a physical therapist assistant in another state; or~~
20 ~~who has otherwise qualified to take the physical therapy examination.~~
21 For purposes of this subsection (1), "direct supervision" shall mean
22 supervision that is on the premises where any such unlicensed individuals
23 are practicing CERTIFIED UNDER PART 2 OF THIS ARTICLE.

24 **SECTION 17.** The introductory portion to 12-41-114 (1) and
25 12-41-114 (1) (f), (1) (g), and (1) (h), Colorado Revised Statutes, are
26 amended to read:

27 **12-41-114. Scope of article - exclusions.** (1) Nothing contained

1 in this article ~~shall prohibit~~ PROHIBITS:

2 (f) The practice of physical therapy in this state by ~~any~~ A legally
3 qualified physical therapist from another state or country when providing
4 services in the absence of a physical therapist licensed in this state, so
5 long as ~~said~~ THE unlicensed physical therapist is acting in accordance with
6 rules ~~and regulations~~ established by the ~~director~~. ~~Such unlicensed~~
7 ~~practice~~ BOARD. A PERSON shall not ~~be of~~ PRACTICE WITHOUT A LICENSE
8 UNDER THIS PARAGRAPH (f) FOR more than four weeks' duration ~~and no~~
9 ~~person shall be authorized by the director to undertake such practice~~ OR
10 more than once in any twelve-month period.

11 (g) The practice of physical therapy in this state by ~~any~~ A legally
12 qualified physical therapist from another state or country for the purpose
13 of participating in an educational program of not more than ~~six~~ SIXTEEN
14 weeks' duration. ~~Prior notice of intent to participate shall be given to the~~
15 ~~director and is subject to the director's approval. Upon written~~
16 ~~application by the participant, an extension may be granted by the~~
17 ~~director.~~

18 (h) The provision of physical therapy services in this state by ~~any~~
19 AN individual from another country who is engaged in a physical therapy
20 related educational program if ~~said~~ THE program is sponsored by an
21 institution, agency, or individual approved by the ~~director if said~~ BOARD,
22 THE program is under the direction and supervision of a physical therapist
23 licensed in this state, and ~~if said~~ THE program does not exceed twelve
24 consecutive months' duration without the specific approval of the ~~director~~
25 BOARD;

26 **SECTION 18.** Article 41 of title 12, Colorado Revised Statutes,
27 is amended BY THE ADDITION OF THE FOLLOWING NEW

1 SECTIONS to read:

2 **12-41-114.5. Professional liability insurance required - rules.**

3 (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON
4 SHALL NOT PRACTICE PHYSICAL THERAPY UNLESS THE PERSON PURCHASES
5 AND MAINTAINS PROFESSIONAL LIABILITY INSURANCE OF AT LEAST ONE
6 MILLION DOLLARS PER CLAIM AND AT LEAST THREE MILLION DOLLARS PER
7 YEAR FOR ALL CLAIMS UNLESS THE CORPORATION THAT EMPLOYS THE
8 PHYSICAL THERAPIST MAINTAINS THE INSURANCE REQUIRED BY SECTION
9 12-41-124 IF THE INSURANCE COVERS AT LEAST ONE MILLION DOLLARS
10 PER CLAIM AND AT LEAST THREE MILLION DOLLARS PER YEAR.

11 (2) THE BOARD MAY BY RULE ESTABLISH LESSER FINANCIAL
12 RESPONSIBILITY STANDARDS FOR A CLASS OF PHYSICAL THERAPISTS
13 WHOSE PRACTICE DOES NOT REQUIRE THE LEVEL OF PUBLIC PROTECTION
14 ESTABLISHED BY SUBSECTION (1) OF THIS SECTION. THE BOARD SHALL
15 NOT ESTABLISH GREATER FINANCIAL RESPONSIBILITY STANDARDS THAN
16 THOSE ESTABLISHED IN SUBSECTION (1) OF THIS SECTION.

17 **12-41-114.6. Continuing professional competency.** (1) (a) A
18 LICENSED PHYSICAL THERAPIST SHALL MAINTAIN CONTINUING
19 PROFESSIONAL COMPETENCY TO PRACTICE.

20 (b) THE BOARD SHALL ADOPT RULES ESTABLISHING A CONTINUING
21 PROFESSIONAL COMPETENCY PROGRAM THAT INCLUDES, AT A MINIMUM,
22 THE FOLLOWING ELEMENTS:

23 (I) A SELF-ASSESSMENT OF THE KNOWLEDGE AND SKILLS OF A
24 PHYSICAL THERAPIST SEEKING TO RENEW OR REINSTATE A LICENSE;

25 (II) DEVELOPMENT, EXECUTION, AND DOCUMENTATION OF A
26 LEARNING PLAN BASED ON THE ASSESSMENT; AND

27 (III) PERIODIC DEMONSTRATION OF KNOWLEDGE AND SKILLS

1 THROUGH DOCUMENTATION OF ACTIVITIES NECESSARY TO ENSURE AT
2 LEAST MINIMAL ABILITY TO SAFELY PRACTICE THE PROFESSION; EXCEPT
3 THAT A LICENSED PHYSICAL THERAPIST NEED NOT RETAKE ANY
4 EXAMINATION REQUIRED BY SECTION 12-41-107 FOR INITIAL LICENSURE.

5 (c) THE BOARD SHALL ESTABLISH THAT A LICENSED PHYSICAL
6 THERAPIST SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS OF
7 THIS SECTION IF THE PHYSICAL THERAPIST MEETS THE CONTINUING
8 PROFESSIONAL COMPETENCY REQUIREMENTS OF ONE OF THE FOLLOWING
9 ENTITIES:

10 (I) A STATE DEPARTMENT, INCLUDING CONTINUING PROFESSIONAL
11 COMPETENCY REQUIREMENTS IMPOSED THROUGH A CONTRACTUAL
12 ARRANGEMENT WITH A PROVIDER;

13 (II) AN ACCREDITING BODY RECOGNIZED BY THE BOARD; OR

14 (III) AN ENTITY APPROVED BY THE BOARD.

15 (d) (I) AFTER THE PROGRAM IS ESTABLISHED, A LICENSED
16 PHYSICAL THERAPIST SHALL SATISFY THE REQUIREMENTS OF THE
17 PROGRAM IN ORDER TO RENEW OR REINSTATE A LICENSE TO PRACTICE
18 PHYSICAL THERAPY.

19 (II) THE REQUIREMENTS OF THIS SECTION APPLY TO INDIVIDUAL
20 LICENSED PHYSICAL THERAPISTS, AND NOTHING IN THIS SECTION REQUIRES
21 A PERSON WHO EMPLOYS OR CONTRACTS WITH A PHYSICAL THERAPIST TO
22 COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

23 (2) RECORDS OF ASSESSMENTS OR OTHER DOCUMENTATION
24 DEVELOPED OR SUBMITTED IN CONNECTION WITH THE CONTINUING
25 PROFESSIONAL COMPETENCY PROGRAM ARE CONFIDENTIAL AND NOT
26 SUBJECT TO INSPECTION BY THE PUBLIC OR DISCOVERY IN CONNECTION
27 WITH A CIVIL ACTION AGAINST A LICENSED PHYSICAL THERAPIST. A

1 PERSON OR THE BOARD SHALL NOT USE THE RECORDS OR DOCUMENTS
2 UNLESS USED BY THE BOARD TO DETERMINE WHETHER A LICENSED
3 PHYSICAL THERAPIST IS MAINTAINING CONTINUING PROFESSIONAL
4 COMPETENCY TO ENGAGE IN THE PROFESSION.

5 (3) AS USED IN THIS SECTION, "CONTINUING PROFESSIONAL
6 COMPETENCY" MEANS THE ONGOING ABILITY OF A PHYSICAL THERAPIST TO
7 LEARN, INTEGRATE, AND APPLY THE KNOWLEDGE, SKILL, AND JUDGMENT
8 TO PRACTICE AS A PHYSICAL THERAPIST ACCORDING TO GENERALLY
9 ACCEPTED STANDARDS AND PROFESSIONAL ETHICAL STANDARDS.

10 **SECTION 19.** The introductory portion to 12-41-115 (1) and
11 12-41-115 (1) (c), (1) (d), (1) (g), (1) (j), (1) (l), (1) (m), (1) (n), (1) (o),
12 (1) (p), (1) (q), and (1) (u), Colorado Revised Statutes, are amended, and
13 the said 12-41-115 (1) is further amended BY THE ADDITION OF THE
14 FOLLOWING NEW PARAGRAPHS, to read:

15 **12-41-115. Grounds for disciplinary action.** (1) The director
16 ~~is authorized to~~ BOARD MAY take disciplinary action in accordance with
17 section 12-41-116 against ~~any~~ A person who has:

18 (c) Failed to refer a patient to the appropriate licensed health care
19 practitioner PROFESSIONAL when the services required by the patient are
20 beyond the level of competence of the physical therapist or beyond the
21 scope of physical therapy practice;

22 (d) Abandoned a patient by any means, including but not limited
23 to failure to provide a referral to another physical therapist or to other
24 ANOTHER appropriate health care practitioners PROFESSIONAL when the
25 provision of such referral was necessary to meet generally accepted
26 standards of physical therapy care;

27 (g) Engaged in any of the following activities and practices:

1 Ordering or performance, without clinical justification, of demonstrably
2 unnecessary laboratory tests or studies; the administration, without
3 clinical justification, of treatment ~~which~~ THAT is demonstrably
4 unnecessary; or ordering or performing, without clinical justification, any
5 service, X ray, or treatment ~~which~~ THAT is contrary to recognized
6 standards of the practice of physical therapy as interpreted by the ~~director~~
7 BOARD;

8 (j) Offered, given, or received commissions, rebates, or other
9 forms of remuneration for the referral of clients; ~~Notwithstanding this~~
10 ~~provision~~, EXCEPT THAT a licensee may pay an independent advertising
11 or marketing agent compensation for advertising or marketing services
12 rendered ~~on his behalf~~ by ~~such~~ AN agent ON THE LICENSEE'S BEHALF,
13 including compensation for referrals of clients identified through such
14 services on a per-client basis;

15 (l) ~~A dependence on or addiction to alcohol or any habit-forming~~
16 ~~drug or abuses or engages in~~ ENGAGED IN the habitual or excessive use
17 OR ABUSE of ~~any such~~ ALCOHOL, A habit-forming drug, or ~~any~~ A
18 controlled substance as defined in section 12-22-303;

19 (m) (I) ~~A physical or mental condition or disability which renders~~
20 ~~such licensee unable to treat patients with reasonable skill and safety or~~
21 ~~which may endanger the health or safety of persons under the licensee's~~
22 ~~care~~ FAILED TO NOTIFY THE BOARD, AS REQUIRED BY SECTION
23 12-41-118.5, ___ OF A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT
24 IMPACTS THE LICENSEE'S ABILITY TO PERFORM PHYSICAL THERAPY WITH
25 REASONABLE SKILL AND SAFETY TO PATIENTS;

26 (II) FAILED TO ACT WITHIN THE LIMITATIONS CREATED BY A
27 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE

1 LICENSEE UNABLE TO PERFORM PHYSICAL THERAPY WITH REASONABLE
2 SKILL AND SAFETY TO THE PATIENT; OR

3 (III) FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO UNDER
4 A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION 12-41-118;

5 (n) Refused to submit to a physical or mental examination when
6 so ordered by the ~~director~~ BOARD pursuant to section 12-41-118;

7 (o) Failed to notify the ~~director~~, BOARD in writing of the entry of
8 a final judgment by a court of competent jurisdiction ~~in favor of any party~~
9 ~~and~~ against the licensee for malpractice of physical therapy or ~~any~~ A
10 settlement by the licensee in response to charges or allegations of
11 malpractice of physical therapy, ~~Such~~ WHICH notice ~~shall~~ MUST be given
12 within ninety days ~~of~~ AFTER the entry of ~~such~~ judgment or ~~such~~ settlement
13 and, in the case of a judgment, ~~shall~~ MUST contain the name of the court,
14 the case number, and the names of all parties to the action;

15 (p) Violated or aided or abetted a violation of ~~any provision of this~~
16 article, ~~any~~ A rule or regulation adopted under this article, or ~~any~~ A lawful
17 order of the ~~director~~ BOARD;

18 (q) Been convicted of, ~~a felony or~~ pled guilty, or PLED nolo
19 contendere to ANY CRIME RELATED TO THE LICENSEE'S PRACTICE OF
20 PHYSICAL THERAPY OR a felony or committed ~~any~~ AN act specified in
21 section 12-41-121. A certified copy of the judgment of a court of
22 competent jurisdiction of such conviction or plea ~~shall be~~ IS conclusive
23 evidence of such conviction or plea. In considering the disciplinary
24 action, the ~~director shall be~~ BOARD IS governed by ~~the provisions of~~
25 section 24-5-101, C.R.S.

26 (u) Practiced physical therapy during the time the person's license
27 was INACTIVE, EXPIRED, suspended, or revoked;

1 (v) FAILED TO MAINTAIN THE INSURANCE REQUIRED BY SECTION
2 12-41-114.5 OR A RULE PROMULGATED THEREUNDER;

3 (w) FAILED TO RESPOND IN AN HONEST, MATERIALLY RESPONSIVE,
4 AND TIMELY MANNER TO A COMPLAINT ISSUED UNDER THIS ARTICLE;

5 (x) FAILED TO KNOW THE CONTENTS OF THIS PART 1 AND ANY
6 RULES PROMULGATED UNDER THIS PART 1;

7 (y) FAILED TO EITHER:

8 (I) CONFIRM THAT A PATIENT IS UNDER THE CARE OF A PHYSICIAN
9 OR OTHER HEALTH CARE PROFESSIONAL FOR THE UNDERLYING MEDICAL
10 CONDITION WHEN PROVIDING GENERAL WOUND CARE WITHIN THE SCOPE
11 OF THE PHYSICAL THERAPIST'S PRACTICE; OR

12 (II) REFER THE PATIENT TO A PHYSICIAN OR OTHER APPROPRIATE
13 HEALTH CARE PROFESSIONAL FOR THE TREATMENT OF THE UNDERLYING
14 MEDICAL CONDITION WHEN PROVIDING GENERAL WOUND CARE WITHIN THE
15 SCOPE OF THE PHYSICAL THERAPIST'S PRACTICE.

16 SECTION 20. Article 41 of title 12, Colorado Revised Statutes,
17 is amended BY THE ADDITION OF A NEW SECTION to read:

18 12-41-115.5. Protection of medical records - licensee's
19 obligations - verification of compliance - noncompliance grounds for
20 discipline - rules. (1) EACH LICENSED PHYSICAL THERAPIST
21 RESPONSIBLE FOR PATIENT RECORDS SHALL DEVELOP A WRITTEN PLAN TO
22 ENSURE THE SECURITY OF PATIENT MEDICAL RECORDS. THE PLAN MUST
23 ADDRESS AT LEAST THE FOLLOWING:

24 (a) THE STORAGE AND PROPER DISPOSAL OF PATIENT MEDICAL
25 RECORDS;

26 (b) THE DISPOSITION OF PATIENT MEDICAL RECORDS IN THE EVENT
27 THE LICENSEE DIES, RETIRES, OR OTHERWISE CEASES TO PRACTICE OR

1 PROVIDE PHYSICAL THERAPY CARE TO PATIENTS; AND

2 (c) THE METHOD BY WHICH PATIENTS MAY ACCESS OR OBTAIN
3 THEIR MEDICAL RECORDS PROMPTLY IF ANY OF THE EVENTS DESCRIBED IN
4 PARAGRAPH (b) OF THIS SUBSECTION (1) OCCURS.

5 (2) UPON INITIAL LICENSURE UNDER THIS PART 1 AND UPON
6 RENEWAL OF A LICENSE, THE APPLICANT OR LICENSEE SHALL ATTEST TO
7 THE BOARD THAT HE OR SHE HAS DEVELOPED A PLAN IN COMPLIANCE WITH
8 THIS SECTION.

9 (3) A LICENSEE SHALL INFORM EACH PATIENT IN WRITING OF THE
10 METHOD BY WHICH THE PATIENT MAY ACCESS OR OBTAIN HIS OR HER
11 MEDICAL RECORDS IF AN EVENT DESCRIBED IN PARAGRAPH (b) OF
12 SUBSECTION (1) OF THIS SECTION OCCURS.

13 (4) THE BOARD MAY ADOPT RULES REASONABLY NECESSARY TO
14 IMPLEMENT THIS SECTION.

15 **SECTION 21.** 12-41-116 (1), (2) (a), (2) (b), (3), (3.5), and (4),
16 Colorado Revised Statutes, are amended, and the said 12-41-116 is
17 further amended BY THE ADDITION OF THE FOLLOWING NEW
18 SUBSECTIONS, to read:

19 **12-41-116. Disciplinary actions.** (1) (a) The director pursuant
20 ~~to the provisions of~~ BOARD, IN ACCORDANCE WITH article 4 of title 24,
21 C.R.S., may issue letters of admonition; ~~or may~~ deny, refuse to renew,
22 suspend, or revoke any license; ~~may~~ place a licensee on probation; or ~~may~~
23 impose public censure or a fine, if ~~after notice and hearing,~~ the director
24 BOARD or the ~~director's~~ BOARD'S designee determines AFTER NOTICE AND
25 THE OPPORTUNITY FOR A HEARING that the licensee has committed ~~any of~~
26 ~~the acts~~ AN ACT specified in section 12-41-115.

27 (b) ~~The denial of an application to renew an existing license shall~~

1 ~~be treated in all respects as a revocation. If an application to renew a~~
2 ~~license is denied, the applicant, within sixty days after the date of the~~
3 ~~notice of such action, may request a hearing as provided in section~~
4 ~~24-4-105, C.R.S.~~

5 (c) The director may take disciplinary action on an emergency
6 basis as provided in section 24-4-105, C.R.S. IN THE CASE OF A
7 DELIBERATE AND WILLFUL VIOLATION OF THIS ARTICLE OR IF THE PUBLIC
8 HEALTH, SAFETY, AND WELFARE REQUIRE EMERGENCY ACTION, THE
9 BOARD MAY TAKE DISCIPLINARY ACTION ON AN EMERGENCY BASIS UNDER
10 SECTIONS 24-4-104 AND 24-4-105, C.R.S.

11 (2) (a) When a complaint or investigation discloses an instance of
12 misconduct that, in the opinion of the ~~director~~ BOARD, does not warrant
13 formal action ~~by the director~~ but that should not be dismissed as being
14 without merit, THE BOARD MAY SEND a letter of admonition ~~may be issued~~
15 ~~and sent, by certified mail,~~ to the licensee.

16 (b) When THE BOARD SENDS a letter of admonition ~~is sent by the~~
17 ~~director, by certified mail~~ to a licensee, ~~such licensee~~ THE BOARD shall be
18 ~~advised that he or she has the~~ NOTIFY THE LICENSEE OF THE LICENSEE'S
19 right to request in writing, within twenty days after receipt of the letter,
20 that formal disciplinary proceedings be initiated to adjudicate the
21 propriety of the conduct ~~upon which~~ DESCRIBED IN the letter of
22 admonition. ~~is based.~~

23 (3) In any disciplinary order ~~which~~ THAT allows a physical
24 therapist to continue to practice, the ~~director~~ BOARD may impose upon the
25 licensee such conditions as the ~~director~~ BOARD deems appropriate to
26 ensure that the physical therapist is physically, mentally, and
27 professionally qualified to practice physical therapy in accordance with

1 generally accepted professional standards. Such conditions may include
2 any or all of the following:

3 (a) Examination of the physical therapist to determine his OR HER
4 mental or physical condition, as provided in section 12-41-118, or to
5 determine professional qualifications;

6 (b) Any therapy, training, or education ~~which~~ THAT the ~~director~~
7 BOARD believes ~~to be~~ necessary to correct deficiencies found either
8 ~~pursuant to~~ IN a proceeding in compliance with section 24-34-106,
9 C.R.S., or through an examination ~~pursuant to~~ UNDER paragraph (a) of
10 this subsection (3);

11 (c) ~~Any~~ A review or supervision of a licensee's practice ~~which~~
12 THAT the ~~director~~ BOARD finds necessary to identify and correct
13 deficiencies therein;

14 (d) Restrictions upon the nature and scope of practice to ensure
15 that the licensee does not practice beyond the limits of ~~such~~ THE licensee's
16 capabilities.

17 (3.5) When a complaint or investigation discloses an instance of
18 conduct that does not warrant formal action by the ~~director~~ BOARD and,
19 in the opinion of the ~~director~~ BOARD, the complaint should be dismissed,
20 but the ~~director~~ BOARD has noticed indications of possible errant conduct
21 by the licensee that could lead to serious consequences if not corrected,
22 THE BOARD MAY SEND a confidential letter of concern ~~may be issued and~~
23 ~~sent~~ to the licensee.

24 (4) The ~~director~~ BOARD may take disciplinary action against a
25 physical therapist for failure to comply with any of the conditions
26 imposed by the ~~director~~ ~~pursuant to~~ BOARD UNDER subsection (3) of this
27 section.

1 (5) A PERSON WHOSE LICENSE HAS EXPIRED IS SUBJECT TO THE
2 PENALTIES PROVIDED IN THIS ARTICLE AND SECTION 24-34-102 (8), C.R.S.

3 (6) A PERSON WHOSE LICENSE TO PRACTICE PHYSICAL THERAPY IS
4 REVOKED OR WHO SURRENDERS HIS OR HER LICENSE TO AVOID DISCIPLINE
5 IS NOT ELIGIBLE TO APPLY FOR A LICENSE FOR TWO YEARS AFTER THE
6 LICENSE IS REVOKED OR SURRENDERED. THE TWO-YEAR WAITING PERIOD
7 APPLIES TO A PERSON WHOSE LICENSE TO PRACTICE PHYSICAL THERAPY,
8 OR TO PRACTICE ANY OTHER HEALTH CARE OCCUPATION, IS REVOKED BY
9 ANY OTHER LEGALLY QUALIFIED BOARD OR REGULATORY ENTITY.

10 **SECTION 22.** 12-41-117 (1), (2), (3), (5), (6), (7) (a), (8), (9),
11 (10), (11) (a), (12), (13), and (14), Colorado Revised Statutes, are
12 amended to read:

13 **12-41-117. Disciplinary proceedings - investigations - judicial**
14 **review.** (1) The ~~director~~ BOARD may commence a proceeding for the
15 discipline of a licensee when the ~~director~~ BOARD has reasonable grounds
16 to believe that a licensee has committed an act enumerated in section
17 12-41-115.

18 (2) In any proceeding held under this section, the ~~director~~ BOARD
19 may accept as prima facie evidence of grounds for disciplinary action any
20 disciplinary action taken against a licensee from another jurisdiction if the
21 violation ~~which~~ THAT prompted the disciplinary action in that jurisdiction
22 would be grounds for disciplinary action under this article.

23 (3) (a) The ~~director~~ BOARD may investigate potential grounds for
24 disciplinary action upon ~~his~~ ITS own motion or when ~~such director~~ THE
25 BOARD is informed of dismissal of ~~any~~ A person licensed ~~pursuant to~~
26 UNDER this article if ~~such~~ THE dismissal was for a matter ~~which would~~
27 ~~constitute~~ CONSTITUTING a violation of this article.

1 (b) ~~Any~~ A person who supervises a physical therapist shall report
2 to the ~~director~~ BOARD when ~~such~~ THE physical therapist has been
3 dismissed because of incompetence in physical therapy or failure to
4 comply with this article. ~~Any~~ A physical therapist who is aware that
5 another physical therapist is violating ~~any of the provisions of~~ this article
6 shall report such violation to the ~~director~~ BOARD.

7 (5) (a) The ~~director~~ BOARD or an administrative law judge ~~shall~~
8 ~~have the power to~~ MAY administer oaths, take affirmations of witnesses,
9 and issue subpoenas to compel the attendance of witnesses and the
10 production of all relevant papers, books, records, documentary evidence,
11 and materials in any hearing, investigation, accusation, or other matter
12 coming before the ~~director~~ BOARD pursuant to this article. The ~~director~~
13 BOARD may appoint an administrative law judge pursuant to part 10 of
14 article 30 of title 24, C.R.S., to take evidence and to make findings and
15 report them to the ~~director~~ BOARD.

16 (b) Upon failure of ~~any~~ A witness to comply with ~~such~~ A subpoena
17 or process, the district court of the county in which the subpoenaed
18 person or licensee resides or conducts business, upon application by the
19 board ~~or director~~ with notice to the subpoenaed person or licensee, may
20 issue to the person or licensee an order requiring that person or licensee
21 to appear before the ~~director~~ BOARD; to produce the relevant papers,
22 books, records, documentary evidence, or materials if so ordered; or to
23 give evidence touching the matter under investigation or in question.
24 Failure to obey the order of the court may be punished by the court as a
25 contempt of court.

26 (6) The ~~director~~ BOARD may keep any investigation authorized
27 under this article closed until the results of such investigation are known

1 and either the complaint is dismissed or notice of hearing and charges are
2 served upon the licensee.

3 (7) (a) The ~~director~~ BOARD, the director's staff, ~~any person acting~~
4 ~~as a witness or consultant to the director, any~~ BOARD, A witness testifying
5 in a proceeding authorized under this article, and ~~any~~ A person who
6 lodges a complaint ~~pursuant to~~ UNDER this article ~~shall be~~ IS immune from
7 liability in ~~any~~ A civil action brought against him or her for acts occurring
8 while acting in his or her capacity as ~~director~~ BOARD MEMBER, staff,
9 consultant, ~~or~~ witness, OR COMPLAINANT, respectively, if such individual
10 was acting in good faith within the scope of his or her respective capacity,
11 made a reasonable effort to obtain the facts of the matter as to which he
12 or she acted, and acted in the reasonable belief that the action taken by
13 him or her was warranted by the facts.

14 (8) The ~~director~~ BOARD, through the department of regulatory
15 agencies, may employ administrative law judges appointed pursuant to
16 part 10 of article 30 of title 24, C.R.S., on a full-time or part-time basis,
17 to conduct hearings ~~as provided by~~ UNDER this article or on any matter
18 within the ~~director's~~ BOARD'S jurisdiction upon such conditions and terms
19 as ~~such director~~ THE BOARD may determine.

20 (9) Final action of the ~~director~~ BOARD may be judicially reviewed
21 by the court of appeals by appropriate proceedings under section
22 24-4-106 (11), C.R.S., and judicial proceedings for the enforcement of an
23 order of the ~~director~~ BOARD may be instituted in accordance with section
24 24-4-106, C.R.S.

25 (10) When a complaint or an investigation discloses an instance
26 of misconduct that, in the opinion of the ~~director~~ BOARD, warrants formal
27 action, the complaint shall not be resolved by a deferred settlement,

1 action, judgment, or prosecution.

2 (11) (a) If it appears to the ~~director~~ BOARD, based upon credible
3 evidence as presented in a written complaint by any person, that a
4 licensee is acting in a manner that is an imminent threat to the health and
5 safety of the public, or a person is acting or has acted without the required
6 license, the ~~director~~ BOARD may issue an order to cease and desist such
7 activity. The order ~~shall~~ MUST set forth the statutes and rules alleged to
8 have been violated, the facts alleged to have constituted the violation, and
9 the requirement that all unlawful acts or unlicensed practices immediately
10 cease.

11 (12) (a) If it appears to the ~~director~~ BOARD, based upon credible
12 evidence as presented in a written complaint by any person, that a person
13 has violated ~~any other portion of~~ this article, then, in addition to any
14 specific powers granted pursuant to this article, the ~~director~~ BOARD may
15 issue to such person an order to show cause as to why the ~~director~~ BOARD
16 should not issue a final order directing such person to cease and desist
17 from the unlawful act or unlicensed practice.

18 (b) THE BOARD SHALL PROMPTLY NOTIFY a person against whom
19 an order to show cause has been issued ~~pursuant to~~ UNDER paragraph (a)
20 of this subsection (12) ~~shall be promptly notified by the director~~ of the
21 issuance of the order, along with a copy of the order, the factual and legal
22 basis for the order, and the date set by the ~~director~~ BOARD for a hearing
23 on the order. ~~Such notice~~ THE BOARD may ~~be served~~ SERVE THE NOTICE
24 by personal service, by first-class United States mail, postage prepaid, or
25 as may be practicable upon any person against whom such order is issued.
26 Personal service or mailing of an order or document pursuant to this
27 subsection (12) ~~shall constitute~~ CONSTITUTES notice thereof to the person.

1 (c) (I) The BOARD SHALL COMMENCE A hearing on an order to
2 show cause ~~shall be commenced~~ no sooner than ten and no later than
3 forty-five calendar days after the date of transmission or service of the
4 notification by the ~~director~~ BOARD as provided in paragraph (b) of this
5 subsection (12). The hearing may be continued by agreement of all
6 parties based upon the complexity of the matter, number of parties to the
7 matter, and legal issues presented in the matter, but in no event ~~shall~~ IS
8 the hearing TO commence later than sixty calendar days after the date of
9 transmission or service of the notification.

10 (II) If a person against whom an order to show cause has been
11 issued pursuant to paragraph (a) of this subsection (12) does not appear
12 at the hearing, the ~~director~~ BOARD may present evidence that notification
13 was properly sent or served upon such person pursuant to paragraph (b)
14 of this subsection (12) and such other evidence related to the matter as the
15 ~~director~~ BOARD deems appropriate. The ~~director~~ BOARD shall issue the
16 order within ten days after the ~~director's~~ BOARD'S determination related to
17 reasonable attempts to notify the respondent, and the order ~~shall become~~
18 BECOMES final as to that person by operation of law. ~~Such~~ THE BOARD
19 SHALL CONDUCT THE hearing ~~shall be conducted pursuant to~~ IN
20 ACCORDANCE WITH sections 24-4-104 and 24-4-105, C.R.S.

21 (III) If the ~~director~~ BOARD reasonably finds that the person against
22 whom the order to show cause was issued is acting or has acted without
23 the required license, or has or is about to engage in acts or practices
24 constituting violations of this article, a final cease-and-desist order may
25 be issued, directing such person to cease and desist from further unlawful
26 acts or unlicensed practices.

27 (IV) The ~~director~~ BOARD shall provide notice, in the manner set

1 forth in paragraph (b) of this subsection (12), of the final cease-and-desist
2 order within ten calendar days after the hearing conducted pursuant to this
3 paragraph (c) to each person against whom the final order has been
4 issued. The final order issued pursuant to subparagraph (III) of this
5 paragraph (c) shall be IS effective when issued and shall be IS a final order
6 for purposes of judicial review.

7 (13) If it appears to the ~~director~~ BOARD, based upon credible
8 evidence presented to the ~~director~~ BOARD, that a person has engaged in or
9 is about to engage in any unlicensed act or practice, any act or practice
10 constituting a violation of this article, any rule promulgated pursuant to
11 this article, any order issued pursuant to this article, or any act or practice
12 constituting grounds for administrative sanction pursuant to this article,
13 the ~~director~~ BOARD may enter into a stipulation with such person.

14 (14) If ~~any~~ A person fails to comply with a final cease-and-desist
15 order or a stipulation, the ~~director~~ BOARD may request the attorney general
16 or the district attorney for the judicial district in which the alleged
17 violation exists to bring ~~and if so requested such attorney shall bring~~, suit
18 for a temporary restraining order and for injunctive relief to prevent any
19 further or continued violation of the final order. UPON RECEIVING THE
20 REQUEST, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY SHALL BRING
21 THE SUIT AS REQUESTED.

22 **SECTION 23.** 12-41-118, Colorado Revised Statutes, is amended
23 to read:

24 **12-41-118. Mental and physical examination of licensees.**

25 (1) If the ~~director~~ BOARD has reasonable cause to believe that a licensee
26 is unable to practice with reasonable skill and safety, the ~~director~~ BOARD
27 may require ~~such person~~ THE LICENSEE to take a mental or physical

1 examination by a ~~physician~~ HEALTH CARE PROVIDER designated by ~~said~~
2 ~~director~~ THE BOARD. If ~~such~~ THE licensee refuses to undergo such a
3 mental or physical examination, unless due to circumstances beyond the
4 licensee's control, the ~~director~~ BOARD may suspend such licensee's license
5 until the results of ~~any such~~ THE examination are known and the ~~director~~
6 BOARD has made a determination of the licensee's fitness to practice. The
7 ~~director~~ BOARD shall proceed with ~~any such~~ AN order for examination and
8 ~~such~~ determination in a timely manner.

9 (2) An order ISSUED to a licensee ~~pursuant to~~ UNDER subsection
10 (1) of this section to undergo a mental or physical examination ~~shall~~ MUST
11 contain the basis of the ~~director's~~ BOARD'S reasonable cause to believe that
12 the licensee is unable to practice with reasonable skill and safety. For the
13 purposes of ~~any~~ A disciplinary proceeding authorized ~~under~~ BY this
14 article, the licensee ~~shall be~~ IS deemed to have waived all objections to
15 the admissibility of the examining ~~physician's~~ HEALTH CARE PROVIDER'S
16 testimony or examination reports on the ground that they are privileged
17 communications.

18 (3) The licensee may submit to the ~~director~~ BOARD testimony or
19 examination reports from a ~~physician~~ HEALTH CARE PROVIDER chosen by
20 such licensee ~~and~~ pertaining to ~~any~~ THE condition ~~which~~ THAT the
21 ~~director~~ BOARD has alleged may preclude the licensee from practicing
22 with reasonable skill and safety. These may be considered by the ~~director~~
23 BOARD in conjunction with, but not in lieu of, testimony and examination
24 reports of the ~~physician~~ HEALTH CARE PROVIDER designated by the
25 ~~director~~ BOARD.

26 (4) A PERSON SHALL NOT USE the results of any mental or physical
27 examination ordered by the ~~director~~ ~~shall not be used~~ BOARD as evidence

1 in any proceeding other than one before the ~~director and shall not be~~
2 ~~deemed~~ BOARD. THE EXAMINATION RESULTS ARE NOT public records ~~nor~~
3 ~~made~~ AND ARE NOT available to the public.

4 **SECTION 24.** Article 41 of title 12, Colorado Revised Statutes,
5 is amended BY THE ADDITION OF A NEW SECTION to read:

6 **12-41-118.5. Examinations - notice - confidential agreements.**

7 (1) IF A PHYSICAL THERAPIST SUFFERS FROM A PHYSICAL OR MENTAL
8 ILLNESS OR CONDITION RENDERING THE LICENSEE UNABLE TO PRACTICE
9 PHYSICAL THERAPY OR PRACTICE AS A PHYSICAL THERAPIST WITH
10 REASONABLE SKILL AND PATIENT SAFETY, THE PHYSICAL THERAPIST SHALL
11 NOTIFY THE BOARD OF THE ILLNESS OR CONDITION IN A MANNER AND
12 WITHIN A PERIOD OF TIME DETERMINED BY THE BOARD. THE BOARD MAY
13 REQUIRE THE LICENSEE TO SUBMIT TO AN EXAMINATION OR TO EVALUATE
14 THE EXTENT OF THE ILLNESS OR CONDITION AND ITS IMPACT ON THE
15 LICENSEE'S ABILITY TO PRACTICE WITH REASONABLE SKILL AND SAFETY TO
16 PATIENTS.

17 (2) (a) UPON DETERMINING THAT A PHYSICAL THERAPIST WITH A
18 PHYSICAL OR MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER LIMITED
19 PHYSICAL THERAPY WITH REASONABLE SKILL AND PATIENT SAFETY, THE
20 BOARD MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE PHYSICAL
21 THERAPIST IN WHICH THE PHYSICAL THERAPIST AGREES TO LIMIT HIS OR
22 HER PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE ILLNESS OR
23 CONDITION, AS DETERMINED BY THE BOARD.

24 (b) THE AGREEMENT MUST SPECIFY THAT THE LICENSEE IS SUBJECT
25 TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED
26 APPROPRIATE BY THE BOARD.

27 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS

1 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF
2 MONITORING.

3 (d) BY ENTERING INTO AN AGREEMENT WITH THE BOARD UNDER
4 THIS SUBSECTION (2) TO LIMIT HIS OR HER PRACTICE, THE LICENSEE IS NOT
5 ENGAGING IN UNPROFESSIONAL CONDUCT. THE AGREEMENT IS AN
6 ADMINISTRATIVE ACTION AND DOES NOT CONSTITUTE A RESTRICTION OR
7 DISCIPLINE BY THE BOARD. HOWEVER, IF THE LICENSEE FAILS TO COMPLY
8 WITH THE TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO THIS
9 SUBSECTION (2), THE FAILURE CONSTITUTES GROUNDS FOR DISCIPLINARY
10 ACTION UNDER SECTION 12-41-115 (1) (m) AND THE LICENSEE IS SUBJECT
11 TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-41-116.

12 (3) THIS SECTION DOES NOT APPLY TO A LICENSEE SUBJECT TO
13 DISCIPLINE UNDER SECTION 12-41-115 (1) (l).

14 **SECTION 25.** 12-41-119 (1) (a), (2), and (3), Colorado Revised
15 Statutes, are amended to read:

16 **12-41-119. Professional review committees - immunity.** (1) A
17 professional review committee may be established pursuant to this section
18 to investigate the quality of care being given by a person licensed under
19 this article. It shall include in its membership at least three persons
20 licensed under this article, but such committee may be authorized to act
21 only by:

22 (a) The ~~director~~ BOARD;

23 (2) Any professional review committee established pursuant to
24 subsection (1) of this section shall report to the ~~director~~ BOARD any
25 adverse findings that would constitute a possible violation of this article.

26 (3) The ~~director, any~~ BOARD, A member of a professional review
27 committee authorized by the ~~director, any~~ BOARD, A member of the

1 ~~director's~~ BOARD'S or committee's staff, ~~any~~ A person acting as a witness
2 or consultant to the ~~director~~ BOARD or committee, ~~any~~ A witness testifying
3 in a proceeding authorized under this article, and ~~any~~ A person who
4 lodges a complaint pursuant to this article ~~shall be~~ IS immune from
5 liability in any civil action brought against him or her for acts occurring
6 while acting in his or her capacity as ~~director~~ BOARD or committee
7 member, staff, consultant, or witness ~~respectively~~, if ~~such~~ THE individual
8 was acting in good faith within the scope of his or her respective capacity,
9 made a reasonable effort to obtain the facts of the matter as to which he
10 or she acted, and acted in the reasonable belief that the action taken by
11 him or her was warranted by the facts. Any person participating in good
12 faith in lodging a complaint or participating in any investigative or
13 administrative proceeding pursuant to this article ~~shall be~~ IS immune from
14 any civil or criminal liability that may result from such participation.

15 **SECTION 26.** 12-41-120, Colorado Revised Statutes, is amended
16 to read:

17 **12-41-120. Reports by insurance companies.** (1) (a) Each
18 insurance company licensed to do business in this state and engaged in
19 the writing of malpractice insurance for physical therapists shall send to
20 the ~~director~~ BOARD information ~~relating to~~ ABOUT any malpractice claim
21 ~~which~~ THAT involves a physical therapist and ~~which~~ is settled or in which
22 judgment is rendered against the insured.

23 (b) In addition, the insurance company shall submit supplementary
24 reports ~~regarding~~ CONTAINING the disposition of ~~any such~~ THE claim as
25 it is disposed. ~~This information shall be submitted to the director~~ BOARD
26 within ninety days ~~of any~~ AFTER settlement or judgment.

27 (2) Regardless of the disposition of any claim, ~~said~~ THE insurance

1 company shall provide such information as the ~~director~~ BOARD finds
2 reasonably necessary to conduct ~~said director's~~ ITS own investigation and
3 hearing.

4 **SECTION 27.** 12-41-122 (1), Colorado Revised Statutes, is
5 amended to read:

6 **12-41-122. Violation - fines.** (1) Notwithstanding ~~the provisions~~
7 ~~of section 12-41-121, the director shall have authority to~~ BOARD MAY
8 assess a fine for ~~any~~ A violation of ~~the provisions~~ of this article or any
9 rule ~~or regulation~~ adopted by ~~the director~~ under this article.

10 **SECTION 28.** 12-41-123, Colorado Revised Statutes, is amended
11 to read:

12 **12-41-123. Injunctive proceedings.** The ~~director~~ BOARD may, in
13 the name of the people of ~~the state of~~ Colorado, through the attorney
14 general of ~~the state of~~ Colorado, apply for an injunction ~~in any~~ TO A court
15 ~~of competent jurisdiction~~ to enjoin ~~any~~ A person from committing ~~any~~ AN
16 act declared to be a misdemeanor by this article. If it is established that
17 the defendant has been or is committing an act declared to be a
18 misdemeanor by this article, the court shall enter a decree perpetually
19 enjoining ~~said~~ THE defendant from further committing ~~such~~ THE act. ~~In~~
20 ~~case of violation of any~~ IF A PERSON VIOLATES AN injunction issued under
21 ~~the provisions of~~ this section, the court may try and punish the offender
22 for contempt of court. ~~Such~~ AN injunction ~~proceedings shall be~~
23 PROCEEDING IS in addition to, and not in lieu of, all penalties and other
24 remedies provided in this article.

25 **SECTION 29.** The introductory portion to 12-41-124 (1),
26 12-41-124 (1) (b), (1) (d), (1) (g), (2), and (3), and the introductory
27 portion to 12-41-124 (5) (b), Colorado Revised Statutes, are amended to

1 read:

2 **12-41-124. Professional service corporations, limited liability**
3 **companies, and registered limited liability partnerships for the**
4 **practice of physical therapy - definitions.** (1) ~~Persons licensed to~~
5 ~~practice Physical therapy by the director~~ THERAPISTS may form
6 professional service corporations for the practice of physical therapy
7 under the "Colorado Business Corporation Act", articles 101 to 117 of
8 title 7, C.R.S., if such corporations are organized and operated in
9 accordance with ~~the provisions of~~ this section. The articles of
10 incorporation of such corporations ~~shall~~ MUST contain provisions
11 complying with the following requirements:

12 (b) The corporation ~~shall~~ MUST be organized solely for the
13 purposes of conducting the practice of physical therapy only through
14 persons licensed by the ~~director~~ BOARD to practice physical therapy. ~~in the~~
15 ~~state of Colorado.~~

16 (d) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
17 PARAGRAPH (d), all shareholders of the corporation ~~shall~~ MUST be persons
18 licensed by the ~~director~~ BOARD to practice physical therapy ~~in the state of~~
19 ~~Colorado~~ and who at all times own their shares in their own right. ~~They~~
20 ~~shall be individuals who, except for~~ WITH THE EXCEPTION OF illness,
21 accident, or time spent in the armed services, on vacations, or on leaves
22 of absence not to exceed one year, ~~are~~ THE INDIVIDUALS MUST BE actively
23 engaged in the practice of physical therapy in the offices of the
24 corporation.

25 (II) IF A PERSON LICENSED TO PRACTICE PHYSICAL THERAPY WHO
26 WAS A SHAREHOLDER OF THE CORPORATION DIES, AN UNLICENSED HEIR TO
27 THE DECEASED SHAREHOLDER MAY BECOME A SHAREHOLDER OF THE

1 CORPORATION FOR UP TO TWO YEARS. UNLESS THE HEIR IS THE ONLY
2 SHAREHOLDER OF THE CORPORATION, THE HEIR WHO BECOMES A
3 SHAREHOLDER IS A NONVOTING SHAREHOLDER. IF THE HEIR OF THE
4 DECEASED SHAREHOLDER CEASES TO BE A SHAREHOLDER, THE OWNER
5 WHO RECEIVED THE STOCKS FROM THE SHAREHOLDER SHALL DISPOSE OF
6 THE SHARES IN ACCORDANCE WITH THE PROVISIONS REQUIRED BY
7 PARAGRAPH (e) OF THIS SUBSECTION (1). AN HEIR WHO IS NOT LICENSED
8 UNDER THIS ARTICLE SHALL NOT EXERCISE ANY AUTHORITY OVER
9 PROFESSIONAL OR CLINICAL MATTERS.

10 (g) The articles of incorporation ~~shall~~ MUST provide, and all
11 shareholders of the corporation shall agree, that all shareholders of the
12 corporation ~~shall be~~ ARE jointly and severally liable for all acts, errors,
13 and omissions of the employees of the corporation or that all shareholders
14 of the corporation ~~shall be~~ ARE jointly and severally liable for all acts,
15 errors, and omissions of the employees of the corporation except ~~during~~
16 ~~periods of time~~ when THE SHAREHOLDERS MAINTAIN PROFESSIONAL
17 LIABILITY INSURANCE THAT MEETS THE STANDARDS OF SECTION
18 12-14-114.5 OR WHEN the corporation ~~shall maintain in good standing~~
19 MAINTAINS professional liability insurance ~~which shall meet~~ THAT MEETS
20 the following minimum standards:

21 (I) The ~~insurance~~ INSURER shall insure the corporation against
22 liability imposed upon the corporation by law for damages resulting from
23 any claim made against the corporation arising out of the performance of
24 professional services for others by those officers and employees of the
25 corporation who are licensed by the ~~director~~ BOARD to practice physical
26 therapy.

27 (II) ~~Such~~ THE policies ~~shall~~ MUST insure the corporation against

1 liability imposed upon it by law for damages arising out of the acts,
2 errors, and omissions of all nonprofessional employees.

3 (III) The insurance policy ~~shall~~ MUST provide for an amount for
4 each claim of at least one hundred thousand dollars multiplied by the
5 number of persons licensed to practice physical therapy employed by the
6 corporation. The policy ~~shall~~ MUST provide for an aggregate top limit of
7 liability per year for all claims of three hundred thousand dollars also
8 multiplied by the number of persons licensed to practice physical therapy
9 employed by the corporation, but no firm ~~shall be~~ IS required to carry
10 insurance in excess of three hundred thousand dollars for each claim with
11 an aggregate top limit of liability for all claims during the year of nine
12 hundred thousand dollars.

13 (IV) The policy may provide that it does not apply to:

14 (A) ~~any~~ A dishonest, fraudulent, criminal, or malicious act or
15 omission of the insured corporation or any stockholder or employee
16 thereof;

17 (B) The conduct of any business enterprise, ~~as distinguished from~~
18 NOT INCLUDING the practice of physical therapy, in which the insured
19 corporation under this section is not permitted to engage but ~~which~~ THAT
20 nevertheless may be owned by the insured corporation, ~~or~~ in which the
21 insured corporation may be a partner, or ~~which~~ THAT may be controlled,
22 operated, or managed by the insured corporation in its own or in a
23 fiduciary capacity, including the ownership, maintenance, or use of any
24 property in connection therewith, when not resulting from breach of
25 professional duty, bodily injury to, or sickness, disease, or death of any
26 person, or to injury to or destruction of any tangible property, including
27 the loss of use thereof; and

1 (V) The policy may contain reasonable provisions with respect to
2 policy periods, territory, claims, conditions, and other usual matters.

3 (2) The corporation shall do nothing ~~which~~ THAT, if done by a
4 person licensed to practice physical therapy ~~in the state of Colorado~~ and
5 employed by ~~it~~ THE CORPORATION, would constitute any ground for
6 disciplinary action, as set forth in section 12-41-115. Any violation by
7 the corporation of this section ~~shall be~~ IS grounds for the ~~director~~ BOARD
8 to terminate or suspend its right to practice physical therapy.

9 (3) Nothing in this section ~~shall be deemed to diminish or change~~
10 DIMINISHES OR CHANGES the obligation of each person licensed to practice
11 physical therapy employed by the corporation to ~~conduct his~~ practice in
12 accordance with the standards of professional conduct ~~provided for in~~
13 UNDER this article and ~~any rules and regulations~~ adopted under this
14 article. ~~Any person licensed by the director to practice Physical therapy~~
15 THERAPISTS who by act or omission causes the corporation to act or fail
16 to act in a way ~~which~~ THAT violates ~~such~~ THE standards of professional
17 conduct, including any provision of this section, ~~shall be deemed~~ IS
18 personally responsible for ~~such act or omission~~ THE VIOLATION and ~~shall~~
19 ~~be~~ subject to discipline ~~therefor~~ FOR THE VIOLATION.

20 (5) (b) ~~Employment of~~ THE CORPORATE PRACTICE OF PHYSICAL
21 THERAPY DOES NOT INCLUDE physical therapists EMPLOYED by a certified
22 or licensed hospital, licensed skilled nursing facility, certified home
23 health agency, licensed hospice, certified comprehensive outpatient
24 rehabilitation facility, certified rehabilitation agency, authorized health
25 maintenance organization, accredited educational entity, ORGANIZATION
26 PROVIDING CARE FOR THE ELDERLY UNDER SECTION 25.5-5-412, C.R.S.,
27 or other entity wholly owned and operated by ~~any~~ A governmental unit or

1 agency shall not be considered the corporate practice of physical therapy
2 if:

3 **SECTION 30.** **Repeal of provision being relocated in this**
4 **act.** 12-41-125, Colorado Revised Statutes, is repealed.

5 **SECTION 31.** **Repeal.** 12-41-126, Colorado Revised Statutes,
6 is repealed as follows:

7 **12-41-126. Advisory committee.** ~~The director shall appoint at~~
8 ~~least one advisory committee of at least seven members to assist in the~~
9 ~~performance of the director's duties under this article. Five of these~~
10 ~~members shall be physical therapists and two shall not be physical~~
11 ~~therapists but shall be persons having specific knowledge in the health~~
12 ~~care field. Such committee shall meet at least twice a year and at~~
13 ~~additional times at the discretion of the director. Members of such~~
14 ~~advisory committee shall receive compensation for their services pursuant~~
15 ~~to section 24-34-102 (13), C.R.S., and shall be reimbursed for actual and~~
16 ~~necessary expenses that they may incur in the performance of their duties.~~
17 ~~Such reimbursement shall be cash funded and shall not exceed the~~
18 ~~amount anticipated to be raised from fees collected pursuant to this~~
19 ~~article.~~

20 **SECTION 32.** 12-41-127, Colorado Revised Statutes, is amended
21 to read:

22 **12-41-127. Limitation on authority.** The authority granted the
23 ~~director under the provisions of~~ BOARD BY this article ~~shall not be~~
24 ~~construed to~~ DOES NOT authorize the ~~director~~ BOARD to arbitrate or
25 adjudicate fee disputes between licensees or between a licensee and any
26 other party.

27 **SECTION 33.** 12-64-105 (13), Colorado Revised Statutes, is

1 amended to read:

2 **12-64-105. Board of veterinary medicine.** (13) The board shall
3 ~~pursuant to section 12-41-125 (2) (b) (H), consult with the director of the~~
4 ~~division of registrations in the department of regulatory agencies STATE~~
5 ~~PHYSICAL THERAPY BOARD CREATED IN SECTION 12-41-103.3 concerning~~
6 rules that the director intends to adopt with regard to physical therapy of
7 animals.

8 **SECTION 34.** Article 41 of title 12, Colorado Revised Statutes,
9 is amended BY THE ADDITION OF A NEW PART to read:

10 PART 2

11 PHYSICAL THERAPIST ASSISTANTS

12 **12-41-201. Additional board authority - rules.** (1) IN ADDITION
13 TO ALL OTHER POWERS AND DUTIES GIVEN TO THE BOARD BY LAW, THE
14 BOARD MAY:

15 (a) CERTIFY PHYSICAL THERAPIST ASSISTANTS TO PRACTICE;

16 (b) EVALUATE THE QUALIFICATIONS OF APPLICANTS FOR
17 CERTIFICATION, ISSUE AND RENEW THE CERTIFICATIONS AUTHORIZED
18 UNDER THIS PART 2, AND TAKE THE DISCIPLINARY ACTIONS AUTHORIZED
19 UNDER THIS PART 2;

20 (c) CONDUCT HEARINGS UPON CHARGES FOR DISCIPLINE OF A
21 CERTIFIED PHYSICAL THERAPIST ASSISTANT AND CAUSE THE PROSECUTION
22 AND ENJOINER OF ALL PERSONS VIOLATING THIS PART 2;

23 (d) ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND
24 ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE
25 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY
26 EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION,
27 ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD;

1 (e) APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART
2 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE
3 FINDINGS AND REPORT THEM TO THE BOARD; AND

4 (f) ESTABLISH FINES UNDER SECTION 12-41-122.

5 (2) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA OR
6 PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE
7 SUBPOENAED PERSON RESIDES OR CONDUCTS BUSINESS, UPON
8 APPLICATION BY THE BOARD WITH NOTICE TO THE SUBPOENAED PERSON,
9 MAY ISSUE TO THE PERSON AN ORDER REQUIRING THAT PERSON TO APPEAR
10 BEFORE THE BOARD; TO PRODUCE THE RELEVANT PAPERS, BOOKS,
11 RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR
12 TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN
13 QUESTION. THE COURT MAY PUNISH A FAILURE TO OBEY ITS ORDER AS A
14 CONTEMPT OF COURT.

15 (3) THE BOARD MAY PROMULGATE RULES NECESSARY TO
16 IMPLEMENT, ADMINISTER, AND ENFORCE THIS PART 2.

17 **12-41-202. Use of titles restricted.** A PERSON CERTIFIED AS A
18 PHYSICAL THERAPIST ASSISTANT MAY USE THE TITLE "PHYSICAL
19 THERAPIST ASSISTANT" OR THE LETTERS "P.T.A." OR ANY OTHER
20 GENERALLY ACCEPTED TERMS, LETTERS, OR FIGURES THAT INDICATE THAT
21 THE PERSON IS A PHYSICAL THERAPIST ASSISTANT. NO OTHER PERSON
22 SHALL USE THE TERMS "PHYSICAL THERAPIST ASSISTANT", "CERTIFIED
23 PHYSICAL THERAPIST ASSISTANT", OR ANY LETTERS OR WORDS THAT
24 INDICATE THAT THE PERSON IS A PHYSICAL THERAPIST ASSISTANT.

25 **12-41-203. Limitations on authority.** (1) NOTHING IN THIS PART
26 2 AUTHORIZES A PHYSICAL THERAPIST ASSISTANT TO PERFORM ANY OF THE
27 FOLLOWING ACTS:

1 (a) PRACTICE OF MEDICINE, SURGERY, OR ANY OTHER FORM OF
2 HEALING EXCEPT AS AUTHORIZED BY THIS PART 2; OR

3 (b) USE OF ROENTGEN RAYS AND RADIOACTIVE MATERIALS FOR
4 THERAPEUTIC PURPOSES, USE OF ELECTRICITY FOR SURGICAL PURPOSES, OR
5 DIAGNOSIS OF DISEASE.

6 (2) A PHYSICAL THERAPIST ASSISTANT SHALL NOT PRACTICE
7 PHYSICAL THERAPY UNLESS THE ASSISTANT WORKS UNDER THE
8 SUPERVISION OF A LICENSED PHYSICAL THERAPIST.

9 **12-41-204. Certification required.** EFFECTIVE JUNE 1, 2012,
10 EXCEPT AS OTHERWISE PROVIDED BY THIS PART 2, A PERSON WHO
11 PRACTICES AS A PHYSICAL THERAPIST ASSISTANT OR WHO REPRESENTS
12 ONESELF AS BEING ABLE TO PRACTICE AS A PHYSICAL THERAPIST
13 ASSISTANT IN THIS STATE MUST POSSESS A VALID CERTIFICATION ISSUED
14 BY THE BOARD UNDER THIS PART 2 AND RULES ADOPTED UNDER THIS PART
15 2.

16 **12-41-205. Certification by examination - repeal.** (1) EVERY
17 APPLICANT FOR A CERTIFICATION BY EXAMINATION SHALL:

18 (a) (I) HAVE SUCCESSFULLY COMPLETED A PHYSICAL THERAPIST
19 ASSISTANT PROGRAM ACCREDITED BY THE COMMISSION ON
20 ACCREDITATION IN PHYSICAL THERAPY EDUCATION OR ANY COMPARABLE
21 ORGANIZATION AS DETERMINED BY THE BOARD; OR

22 (II) QUALIFY TO TAKE THE PHYSICAL THERAPY EXAMINATION
23 ESTABLISHED UNDER SECTION 12-41-107;

24 (b) PASS A WRITTEN EXAMINATION THAT IS:

25 (I) APPROVED BY THE BOARD; AND

26 (II) A NATIONAL EXAMINATION ACCREDITED BY A NATIONALLY
27 RECOGNIZED ACCREDITING AGENCY;

1 (c) SUBMIT AN APPLICATION IN THE FORM AND MANNER
2 DESIGNATED BY THE DIRECTOR; AND

3 (d) PAY A FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR.

4 (2) THE BOARD MAY REFUSE TO PERMIT AN APPLICANT TO TAKE
5 THE EXAMINATION IF THE APPLICATION IS INCOMPLETE OR INDICATES THAT
6 THE APPLICANT IS NOT QUALIFIED TO SIT FOR THE EXAMINATION, OR IF THE
7 APPLICANT HAS COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR
8 DISCIPLINARY ACTION UNDER SECTION 12-41-210.

9 (3) WHEN THE APPLICANT HAS FULFILLED ALL THE REQUIREMENTS
10 OF SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL ISSUE A
11 CERTIFICATION TO THE APPLICANT; EXCEPT THAT THE BOARD MAY DENY
12 CERTIFICATION IF THE APPLICANT HAS COMMITTED AN ACT THAT WOULD
13 BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-41-210.

14 (4) (a) IN LIEU OF QUALIFYING UNDER SUBSECTION (1) OF THIS
15 SECTION, A PERSON MAY QUALIFY AS A PHYSICAL THERAPIST ASSISTANT
16 IF THE PERSON HAS AT LEAST FIVE YEARS OF EXPERIENCE PRACTICING AS
17 A PHYSICAL THERAPIST ASSISTANT OR IS OTHERWISE QUALIFIED AS
18 DETERMINED BY THE BOARD.

19 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JUNE 1, 2013.

20 **12-41-206. Certification by endorsement.** (1) AN APPLICANT
21 FOR CERTIFICATION BY ENDORSEMENT SHALL:

22 (a) POSSESS A VALID LICENSE, CERTIFICATION, OR REGISTRATION
23 IN GOOD STANDING FROM ANOTHER STATE OR TERRITORY OF THE UNITED
24 STATES;

25 (b) SUBMIT AN APPLICATION IN THE FORM AND MANNER
26 DESIGNATED BY THE DIRECTOR; AND

27 (c) PAY A FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR.

1 (2) UPON RECEIPT OF ALL DOCUMENTS REQUIRED BY SUBSECTION
2 (1) OF THIS SECTION, THE DIRECTOR SHALL REVIEW THE APPLICATION AND
3 MAKE A DETERMINATION OF THE APPLICANT'S QUALIFICATION TO BE
4 CERTIFIED BY ENDORSEMENT.

5 (3) THE BOARD SHALL ISSUE A CERTIFICATION IF THE APPLICANT
6 FULFILLS THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION AND
7 MEETS ANY ONE OF THE FOLLOWING QUALIFYING STANDARDS:

8 (a) THE APPLICANT GRADUATED FROM AN ACCREDITED PROGRAM
9 WITHIN THE PAST TWO YEARS AND PASSED AN EXAMINATION
10 SUBSTANTIALLY EQUIVALENT TO THE EXAMINATION SPECIFIED IN SECTION
11 12-41-205 (1) (b);

12 (b) THE APPLICANT HAS PRACTICED AS A LICENSED, CERTIFIED, OR
13 REGISTERED PHYSICAL THERAPIST ASSISTANT FOR AT LEAST TWO OF THE
14 FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION; OR

15 (c) THE APPLICANT HAS PASSED AN EXAMINATION IN ANOTHER
16 JURISDICTION THAT IS SUBSTANTIALLY EQUIVALENT TO THE EXAMINATION
17 SPECIFIED IN SECTION 12-41-205 (1) (b), AND HAS DEMONSTRATED
18 COMPETENCY THROUGH SUCCESSFUL COMPLETION OF AN INTERNSHIP OR
19 DEMONSTRATED COMPETENCY AS A PHYSICAL THERAPIST ASSISTANT BY
20 FULFILLING THE REQUIREMENTS ESTABLISHED BY RULES OF THE BOARD.

21 (4) THE BOARD MAY DENY CERTIFICATION IF THE APPLICANT HAS
22 COMMITTED AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION
23 UNDER SECTION 12-41-210.

24 **12-41-207. Certification of foreign-trained applicants.**

25 (1) EVERY FOREIGN-TRAINED APPLICANT FOR CERTIFICATION SHALL:

26 (a) HAVE RECEIVED EDUCATION AND TRAINING AS A PHYSICAL
27 THERAPIST ASSISTANT THAT IS SUBSTANTIALLY EQUIVALENT TO THE

1 EDUCATION AND TRAINING REQUIRED BY ACCREDITED PHYSICAL
2 THERAPIST ASSISTANT PROGRAMS IN THE UNITED STATES;

3 (b) POSSESS AN ACTIVE, VALID LICENSE, CERTIFICATION, OR
4 REGISTRATION IN GOOD STANDING OR OTHER AUTHORIZATION TO
5 PRACTICE AS A PHYSICAL THERAPIST ASSISTANT FROM AN APPROPRIATE
6 AUTHORITY IN THE COUNTRY WHERE THE FOREIGN-TRAINED APPLICANT IS
7 PRACTICING OR HAS PRACTICED;

8 (c) PASS A WRITTEN EXAMINATION APPROVED BY THE BOARD IN
9 ACCORDANCE WITH SECTION 12-41-205 (1) (b);

10 (d) SUBMIT AN APPLICATION IN THE FORM AND MANNER
11 DESIGNATED BY THE DIRECTOR; AND

12 (e) PAY AN APPLICATION FEE IN AN AMOUNT DETERMINED BY THE
13 DIRECTOR.

14 (2) UPON RECEIPT OF ALL DOCUMENTS AND THE FEE REQUIRED BY
15 SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL REVIEW THE
16 APPLICATION AND DETERMINE IF THE APPLICANT IS QUALIFIED TO BE
17 CERTIFIED.

18 (3) WHEN THE APPLICANT HAS FULFILLED ALL THE REQUIREMENTS
19 OF SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL ISSUE A
20 CERTIFICATION TO THE APPLICANT; EXCEPT THAT THE BOARD MAY DENY
21 THE APPLICATION IF THE APPLICANT HAS COMMITTED AN ACT THAT WOULD
22 BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-41-210.

23 **12-41-208. Expiration and renewal of certification. AN**
24 **APPLICANT FOR CERTIFICATION SHALL PAY CERTIFICATION, RENEWAL, AND**
25 **REINSTATEMENT FEES ESTABLISHED BY THE DIRECTOR IN THE SAME**
26 **MANNER AS IS AUTHORIZED IN SECTION 24-34-105, C.R.S. A CERTIFIED**
27 **PHYSICAL THERAPIST ASSISTANT SHALL RENEW A CERTIFICATION IN**

1 ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE DIRECTOR
2 PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY
3 ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT
4 UNDER SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW A
5 CERTIFICATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE
6 DIRECTOR, THE CERTIFICATION EXPIRES. A PERSON WHOSE CERTIFICATION
7 HAS EXPIRED IS SUBJECT TO THE PENALTIES PROVIDED IN THIS PART 2 AND
8 SECTION 24-34-102 (8), C.R.S.

9 **12-41-209. Scope of part 2 - exclusions. (1) THIS PART 2 DOES**
10 **NOT PROHIBIT:**

11 (a) PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IN THIS STATE
12 BY A LEGALLY QUALIFIED PHYSICAL THERAPIST ASSISTANT FROM ANOTHER
13 STATE OR COUNTRY WHOSE EMPLOYMENT REQUIRES THE PHYSICAL
14 THERAPIST ASSISTANT TO ACCOMPANY AND CARE FOR A PATIENT
15 TEMPORARILY RESIDING IN THIS STATE, BUT THE PHYSICAL THERAPIST
16 ASSISTANT SHALL NOT PROVIDE PHYSICAL THERAPY SERVICES FOR
17 ANOTHER INDIVIDUAL NOR SHALL THE PERSON REPRESENT OR HOLD
18 HIMSELF OR HERSELF OUT AS A PHYSICAL THERAPIST ASSISTANT CERTIFIED
19 TO PRACTICE IN THIS STATE;

20 (b) THE ADMINISTRATION OF MASSAGE, EXTERNAL BATHS, OR
21 EXERCISE THAT IS NOT A PART OF A PHYSICAL THERAPY REGIMEN;

22 (c) A PERSON REGISTERED, CERTIFIED, OR LICENSED IN THIS STATE
23 UNDER ANY OTHER LAW FROM ENGAGING IN THE PRACTICE FOR WHICH THE
24 PERSON IS REGISTERED, CERTIFIED, OR LICENSED;

25 (d) PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IN THIS STATE
26 BY A LEGALLY QUALIFIED PHYSICAL THERAPIST ASSISTANT FROM ANOTHER
27 STATE OR COUNTRY FOR THE PURPOSE OF PARTICIPATING IN AN

1 EDUCATIONAL PROGRAM OF NOT MORE THAN SIXTEEN WEEKS' DURATION;

2 OR

3 (e) THE PRACTICE OF A PHYSICAL THERAPIST ASSISTANT LICENSED,
4 CERTIFIED, OR REGISTERED IN THIS OR ANY OTHER STATE OR TERRITORY
5 OF THE UNITED STATES WHO IS EMPLOYED BY THE UNITED STATES
6 GOVERNMENT OR A BUREAU, DIVISION, OR AGENCY THEREOF WHILE
7 WITHIN THE COURSE AND SCOPE OF THE PHYSICAL THERAPIST ASSISTANT'S
8 DUTIES.

9 **12-41-210. Grounds for disciplinary action. (1) THE BOARD**
10 **MAY TAKE DISCIPLINARY ACTION IN ACCORDANCE WITH SECTION**
11 **12-41-211 AGAINST A PERSON WHO HAS:**

12 (a) COMMITTED AN ACT THAT DOES NOT MEET GENERALLY
13 ACCEPTED STANDARDS OF PHYSICAL THERAPIST ASSISTANT PRACTICE OR
14 FAILED TO PERFORM AN ACT NECESSARY TO MEET GENERALLY ACCEPTED
15 STANDARDS OF PHYSICAL THERAPIST ASSISTANT PRACTICE;

16 (b) ENGAGED IN SEXUAL CONTACT, SEXUAL INTRUSION, OR SEXUAL
17 PENETRATION AS DEFINED IN SECTION 18-3-401, C.R.S., WITH A PATIENT
18 DURING THE PERIOD OF TIME BEGINNING WITH THE INITIAL EVALUATION
19 THROUGH THE TERMINATION OF TREATMENT;

20 (c) ABANDONED A PATIENT BY ANY MEANS;

21 (d) FAILED TO MAKE ESSENTIAL ENTRIES ON PATIENT RECORDS OR
22 FALSIFIED OR MADE INCORRECT ENTRIES OF AN ESSENTIAL NATURE ON
23 PATIENT RECORDS;

24 (e) (I) COMMITTED ABUSE OF HEALTH INSURANCE AS SET FORTH IN
25 SECTION 18-13-119, C.R.S.; OR

26 (II) ADVERTISED THROUGH NEWSPAPERS, MAGAZINES, CIRCULARS,
27 DIRECT MAIL, DIRECTORIES, RADIO, TELEVISION, OR OTHERWISE THAT THE

1 CERTIFIED PHYSICAL THERAPIST ASSISTANT WILL PERFORM AN ACT
2 PROHIBITED BY SECTION 18-13-119, C.R.S.:

3 (f) COMMITTED A FRAUDULENT INSURANCE ACT, AS DEFINED IN
4 SECTION 10-1-128, C.R.S.:

5 (g) FALSIFIED INFORMATION IN ANY APPLICATION OR ATTEMPTED
6 TO OBTAIN OR OBTAINED A CERTIFICATION BY FRAUD, DECEPTION, OR
7 MISREPRESENTATION;

8 (h) ENGAGED IN THE HABITUAL OR EXCESSIVE USE OR ABUSE OF
9 ALCOHOL, A HABIT-FORMING DRUG, OR A CONTROLLED SUBSTANCE AS
10 DEFINED IN SECTION 12-22-303;

11 (i) (I) FAILED TO NOTIFY THE BOARD, AS REQUIRED BY SECTION
12 12-41-214, OF A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT
13 IMPACTS THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S ABILITY TO
14 PERFORM PHYSICAL THERAPY WITH REASONABLE SKILL AND SAFETY TO
15 PATIENTS;

16 (II) FAILED TO ACT WITHIN THE LIMITATIONS CREATED BY A
17 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE
18 CERTIFIED PHYSICAL THERAPIST ASSISTANT UNABLE TO PERFORM
19 PHYSICAL THERAPY WITH REASONABLE SKILL AND SAFETY TO THE
20 PATIENT; OR

21 (III) FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO UNDER
22 A CONFIDENTIAL AGREEMENT ENTERED INTO UNDER SECTION 12-41-214;

23 (j) REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL EXAMINATION
24 WHEN SO ORDERED BY THE BOARD UNDER SECTION 12-41-213;

25 (k) FAILED TO NOTIFY THE BOARD IN WRITING OF THE ENTRY OF A
26 FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION AGAINST THE
27 CERTIFIED PHYSICAL THERAPIST ASSISTANT FOR MALPRACTICE OR A

1 SETTLEMENT BY THE CERTIFIED PHYSICAL THERAPIST ASSISTANT IN
2 RESPONSE TO CHARGES OR ALLEGATIONS OF MALPRACTICE, WHICH NOTICE
3 MUST BE GIVEN WITHIN NINETY DAYS AFTER THE ENTRY OF JUDGMENT OR
4 SETTLEMENT AND, IN THE CASE OF A JUDGMENT, MUST CONTAIN THE NAME
5 OF THE COURT, THE CASE NUMBER, AND THE NAMES OF ALL PARTIES TO
6 THE ACTION;

7 (l) VIOLATED OR AIDED OR ABETTED A VIOLATION OF THIS PART 2,
8 A RULE ADOPTED UNDER THIS PART 2, OR A LAWFUL ORDER OF THE BOARD;

9 (m) BEEN CONVICTED OF, PLED GUILTY, OR PLED NOLO
10 CONTENDERE TO A CRIME RELATED TO THE CERTIFIED PHYSICAL
11 THERAPIST ASSISTANT'S PRACTICE OR A FELONY OR COMMITTED AN ACT
12 SPECIFIED IN SECTION 12-41-216. A CERTIFIED COPY OF THE JUDGMENT OF
13 A COURT OF COMPETENT JURISDICTION OF THE CONVICTION OR PLEA IS
14 CONCLUSIVE EVIDENCE OF THE CONVICTION OR PLEA. IN CONSIDERING THE
15 DISCIPLINARY ACTION, THE BOARD IS GOVERNED BY SECTION 24-5-101,
16 C.R.S.

17 (n) FRAUDULENTLY OBTAINED, FURNISHED, OR SOLD A PHYSICAL
18 THERAPIST ASSISTANT DIPLOMA, CERTIFICATE, RENEWAL OF CERTIFICATE,
19 OR RECORD, OR AIDED OR ABETTED ANY SUCH ACT;

20 (o) REPRESENTED, OR HELD HIMSELF OR HERSELF OUT AS, IN ANY
21 MANNER, A PHYSICAL THERAPIST ASSISTANT OR PRACTICED AS A PHYSICAL
22 THERAPIST ASSISTANT WITHOUT A CERTIFICATION, UNLESS OTHERWISE
23 AUTHORIZED UNDER THIS PART 2;

24 (p) USED IN CONNECTION WITH THE PERSON'S NAME A
25 DESIGNATION IMPLYING THAT THE PERSON IS A PHYSICAL THERAPIST
26 ASSISTANT WITHOUT BEING CERTIFIED UNDER THIS PART 2;

27 (q) PRACTICED AS A PHYSICAL THERAPIST ASSISTANT DURING THE

1 TIME THE PERSON'S CERTIFICATION WAS EXPIRED, SUSPENDED, OR
2 REVOKED; OR

3 (r) FAILED TO RESPOND IN AN HONEST, MATERIALLY RESPONSIVE,
4 AND TIMELY MANNER TO A COMPLAINT ISSUED UNDER THIS PART 2.

5 **12-41-211. Disciplinary actions.** (1) (a) THE BOARD, IN
6 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., MAY ISSUE LETTERS OF
7 ADMONITION; DENY, REFUSE TO RENEW, SUSPEND, OR REVOKE A
8 CERTIFICATION; PLACE A CERTIFIED PHYSICAL THERAPIST ASSISTANT ON
9 PROBATION; OR IMPOSE PUBLIC CENSURE OR A FINE, IF THE BOARD OR THE
10 BOARD'S DESIGNEE DETERMINES AFTER NOTICE AND THE OPPORTUNITY
11 FOR A HEARING THAT THE CERTIFIED PHYSICAL THERAPIST ASSISTANT HAS
12 COMMITTED AN ACT SPECIFIED IN SECTION 12-41-210.

13 (b) IN THE CASE OF A DELIBERATE AND WILLFUL VIOLATION OF
14 THIS PART 2 OR IF THE PUBLIC HEALTH, SAFETY, AND WELFARE REQUIRE
15 EMERGENCY ACTION, THE BOARD MAY TAKE DISCIPLINARY ACTION ON AN
16 EMERGENCY BASIS UNDER SECTIONS 24-4-104 AND 24-4-105, C.R.S.

17 (2) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
18 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES
19 NOT WARRANT FORMAL ACTION BUT SHOULD NOT BE DISMISSED AS BEING
20 WITHOUT MERIT, THE BOARD MAY SEND A LETTER OF ADMONITION TO THE
21 CERTIFIED PHYSICAL THERAPIST ASSISTANT.

22 (b) WHEN THE BOARD SENDS A LETTER OF ADMONITION TO A
23 CERTIFIED PHYSICAL THERAPIST ASSISTANT, THE BOARD SHALL NOTIFY
24 THE CERTIFIED PHYSICAL THERAPIST ASSISTANT OF HIS OR HER RIGHT TO
25 REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE
26 LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO
27 ADJUDICATE THE PROPRIETY OF THE CONDUCT DESCRIBED IN THE LETTER

1 OF ADMONITION.

2 (c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE
3 LETTER OF ADMONITION IS VACATED AND THE MATTER MUST BE
4 PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

5 (3) IN A DISCIPLINARY ORDER THAT ALLOWS A CERTIFIED PHYSICAL
6 THERAPIST ASSISTANT TO CONTINUE TO PRACTICE, THE BOARD MAY
7 IMPOSE UPON THE CERTIFIED PHYSICAL THERAPIST ASSISTANT CONDITIONS
8 THAT THE BOARD DEEMS APPROPRIATE TO ENSURE THAT THE CERTIFIED
9 PHYSICAL THERAPIST ASSISTANT IS PHYSICALLY, MENTALLY, AND
10 PROFESSIONALLY QUALIFIED TO PRACTICE IN ACCORDANCE WITH
11 GENERALLY ACCEPTED PROFESSIONAL STANDARDS. THE CONDITIONS MAY
12 INCLUDE THE FOLLOWING:

13 (a) EXAMINATION OF THE CERTIFIED PHYSICAL THERAPIST
14 ASSISTANT TO DETERMINE HIS OR HER MENTAL OR PHYSICAL CONDITION,
15 AS PROVIDED IN SECTION 12-41-213, OR TO DETERMINE PROFESSIONAL
16 QUALIFICATIONS;

17 (b) ANY THERAPY, TRAINING, OR EDUCATION THAT THE BOARD
18 BELIEVES NECESSARY TO CORRECT DEFICIENCIES FOUND EITHER IN A
19 PROCEEDING IN COMPLIANCE WITH SECTION 24-34-106, C.R.S., OR
20 THROUGH AN EXAMINATION UNDER PARAGRAPH (a) OF THIS SUBSECTION
21 (3);

22 (c) A REVIEW OR SUPERVISION OF A CERTIFIED PHYSICAL
23 THERAPIST ASSISTANT'S PRACTICE THAT THE BOARD FINDS NECESSARY TO
24 IDENTIFY AND CORRECT DEFICIENCIES THEREIN; OR

25 (d) RESTRICTIONS UPON THE NATURE AND SCOPE OF PRACTICE TO
26 ENSURE THAT THE CERTIFIED PHYSICAL THERAPIST ASSISTANT DOES NOT
27 PRACTICE BEYOND THE LIMITS OF THE CERTIFIED PHYSICAL THERAPIST

1 ASSISTANT'S CAPABILITIES.

2 (4) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
3 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE
4 BOARD AND, IN THE OPINION OF THE BOARD, THE COMPLAINT SHOULD BE
5 DISMISSED, BUT THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE
6 ERRANT CONDUCT BY THE CERTIFIED PHYSICAL THERAPIST ASSISTANT
7 THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, THE
8 BOARD MAY SEND A CONFIDENTIAL LETTER OF CONCERN TO THE CERTIFIED
9 PHYSICAL THERAPIST ASSISTANT.

10 (5) THE BOARD MAY TAKE DISCIPLINARY ACTION AGAINST A
11 CERTIFIED PHYSICAL THERAPIST ASSISTANT FOR FAILURE TO COMPLY WITH
12 ANY OF THE CONDITIONS IMPOSED BY THE BOARD UNDER SUBSECTION (3)
13 OF THIS SECTION.

14 (6) A PERSON WHOSE CERTIFICATION HAS EXPIRED IS SUBJECT TO
15 THE PENALTIES PROVIDED IN THIS PART 2 AND SECTION 24-34-102 (8),
16 C.R.S.

17 (7) A PHYSICAL THERAPY ASSISTANT WHOSE CERTIFICATION IS
18 REVOKED OR WHO SURRENDERS HIS OR HER CERTIFICATION TO AVOID
19 DISCIPLINE IS NOT ELIGIBLE TO APPLY FOR A CERTIFICATION FOR TWO
20 YEARS AFTER THE CERTIFICATION IS REVOKED OR SURRENDERED. THE
21 TWO-YEAR WAITING PERIOD APPLIES TO A PERSON WHOSE CERTIFICATION
22 AS A PHYSICAL THERAPY ASSISTANT IS REVOKED BY ANY OTHER LEGALLY
23 QUALIFIED BOARD OR REGULATORY ENTITY.

24 **12-41-212. Disciplinary proceedings - investigations - judicial**
25 **review.** (1) THE BOARD MAY COMMENCE A PROCEEDING FOR THE
26 DISCIPLINE OF A PHYSICAL THERAPIST ASSISTANT WHEN THE BOARD HAS
27 REASONABLE GROUNDS TO BELIEVE THAT A PHYSICAL THERAPIST

1 ASSISTANT HAS COMMITTED AN ACT ENUMERATED IN SECTION 12-41-210.

2 (2) IN A PROCEEDING HELD UNDER THIS SECTION, THE BOARD MAY
3 ACCEPT AS PRIMA FACIE EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION
4 ANY DISCIPLINARY ACTION TAKEN AGAINST A PHYSICAL THERAPIST
5 ASSISTANT FROM ANOTHER JURISDICTION IF THE VIOLATION THAT
6 PROMPTED THE DISCIPLINARY ACTION IN THAT JURISDICTION WOULD BE
7 GROUNDS FOR DISCIPLINARY ACTION UNDER THIS PART 2.

8 (3) (a) THE BOARD MAY INVESTIGATE POTENTIAL GROUNDS FOR
9 DISCIPLINARY ACTION UPON ITS OWN MOTION OR WHEN THE BOARD IS
10 INFORMED OF DISMISSAL OF A PERSON CERTIFIED UNDER THIS PART 2 IF
11 THE DISMISSAL WAS FOR A MATTER CONSTITUTING A VIOLATION OF THIS
12 PART 2.

13 (b) A PERSON WHO SUPERVISES A PHYSICAL THERAPIST ASSISTANT
14 SHALL REPORT TO THE BOARD WHEN THE PHYSICAL THERAPIST ASSISTANT
15 HAS BEEN DISMISSED BECAUSE OF INCOMPETENCE OR FAILURE TO COMPLY
16 WITH THIS PART 2. A CERTIFIED PHYSICAL THERAPIST ASSISTANT WHO IS
17 AWARE THAT ANOTHER PERSON IS VIOLATING THIS PART 2 SHALL REPORT
18 THE VIOLATION TO THE BOARD.

19 (4) (a) THE BOARD OR AN ADMINISTRATIVE LAW JUDGE MAY
20 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE
21 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE
22 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY
23 EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION,
24 ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD UNDER THIS
25 PART 2. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE
26 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE
27 EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

1 (b) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA OR
2 PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE
3 SUBPOENAED PERSON OR CERTIFIED PHYSICAL THERAPIST ASSISTANT
4 RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD WITH
5 NOTICE TO THE SUBPOENAED PERSON OR CERTIFIED PHYSICAL THERAPIST
6 ASSISTANT, MAY ISSUE AN ORDER REQUIRING THAT PERSON OR CERTIFIED
7 PHYSICAL THERAPIST ASSISTANT TO APPEAR BEFORE THE BOARD; TO
8 PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY
9 EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE
10 TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE
11 TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS
12 A CONTEMPT OF COURT.

13 (5) THE BOARD MAY KEEP ANY INVESTIGATION AUTHORIZED
14 UNDER THIS PART 2 CLOSED UNTIL THE RESULTS OF THE INVESTIGATION
15 ARE KNOWN AND EITHER THE COMPLAINT IS DISMISSED OR NOTICE OF
16 HEARING AND CHARGES ARE SERVED UPON THE CERTIFIED PHYSICAL
17 THERAPIST ASSISTANT.

18 (6) (a) THE BOARD, THE DIRECTOR'S STAFF, A WITNESS OR
19 CONSULTANT TO THE BOARD, A WITNESS TESTIFYING IN A PROCEEDING
20 AUTHORIZED UNDER THIS PART 2, OR A PERSON WHO LODGES A COMPLAINT
21 UNDER THIS PART 2 IS IMMUNE FROM LIABILITY IN A CIVIL ACTION
22 BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS
23 OR HER CAPACITY AS A BOARD MEMBER, STAFF MEMBER, CONSULTANT,
24 WITNESS, OR COMPLAINANT IF THE INDIVIDUAL WAS ACTING IN GOOD
25 FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A
26 REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH
27 HE OR SHE ACTED, AND ACTED WITH THE REASONABLE BELIEF THAT THE

1 ACTION TAKEN WAS WARRANTED BY THE FACTS.

2 (b) A PERSON MAKING A COMPLAINT OR REPORT IN GOOD FAITH OR
3 PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING
4 PURSUANT TO THIS SECTION IS IMMUNE FROM ANY LIABILITY, CIVIL OR
5 CRIMINAL, THAT OTHERWISE MIGHT RESULT BY REASON OF THE
6 PARTICIPATION.

7 (7) THE BOARD, THROUGH THE DEPARTMENT OF REGULATORY
8 AGENCIES, MAY EMPLOY ADMINISTRATIVE LAW JUDGES APPOINTED
9 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., ON A FULL-TIME
10 OR PART-TIME BASIS, TO CONDUCT HEARINGS UNDER THIS PART 2 OR ON
11 ANY MATTER WITHIN THE BOARD'S JURISDICTION UPON THE CONDITIONS
12 AND TERMS AS THE BOARD MAY DETERMINE.

13 (8) FINAL ACTION OF THE BOARD MAY BE JUDICIALLY REVIEWED
14 BY THE COURT OF APPEALS BY APPROPRIATE PROCEEDINGS UNDER SECTION
15 24-4-106 (11), C.R.S., AND JUDICIAL PROCEEDINGS FOR THE
16 ENFORCEMENT OF AN ORDER OF THE BOARD MAY BE INSTITUTED IN
17 ACCORDANCE WITH SECTION 24-4-106, C.R.S.

18 (9) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN
19 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD,
20 WARRANTS FORMAL ACTION, THE BOARD SHALL NOT RESOLVE THE
21 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR
22 PROSECUTION.

23 (10) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE
24 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A CERTIFIED
25 PHYSICAL THERAPIST ASSISTANT IS ACTING IN A MANNER THAT IS AN
26 IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A
27 PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED CERTIFICATION,

1 THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST THE ACTIVITY.
2 THE ORDER MUST SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE
3 BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE
4 VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR
5 UNCERTIFIED PRACTICES IMMEDIATELY CEASE.

6 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND
7 DESIST UNDER PARAGRAPH (a) OF THIS SUBSECTION (10), THE RESPONDENT
8 MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR
9 PRACTICES IN VIOLATION OF THIS PART 2 HAVE OCCURRED. THE HEARING
10 SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105,
11 C.R.S.

12 (11) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE
13 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON HAS
14 VIOLATED THIS PART 2, THEN, IN ADDITION TO ANY SPECIFIC POWERS
15 GRANTED UNDER THIS PART 2, THE BOARD MAY ISSUE TO THE PERSON AN
16 ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL
17 ORDER DIRECTING THE PERSON TO CEASE AND DESIST FROM THE
18 UNLAWFUL ACT OR UNCERTIFIED PRACTICE.

19 (b) THE BOARD SHALL PROMPTLY NOTIFY A PERSON AGAINST
20 WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED UNDER PARAGRAPH
21 (a) OF THIS SUBSECTION (11) OF THE ISSUANCE OF THE ORDER, ALONG
22 WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE
23 ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER.
24 THE BOARD MAY SERVE THE NOTICE BY PERSONAL SERVICE, BY
25 FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE
26 PRACTICABLE UPON THE PERSON AGAINST WHOM THE ORDER IS ISSUED.
27 PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT

1 TO THIS SUBSECTION (11) CONSTITUTES NOTICE THEREOF TO THE PERSON.

2 (c) (I) THE BOARD SHALL COMMENCE A HEARING ON AN ORDER TO
3 SHOW CAUSE NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE
4 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
5 NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS
6 SUBSECTION (11). THE HEARING MAY BE CONTINUED BY AGREEMENT OF
7 ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF
8 PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER,
9 BUT IN NO EVENT IS THE HEARING TO COMMENCE LATER THAN SIXTY
10 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
11 NOTIFICATION.

12 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
13 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11) DOES
14 NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT
15 NOTIFICATION WAS PROPERLY SENT OR SERVED UPON THE PERSON UNDER
16 PARAGRAPH (b) OF THIS SUBSECTION (11) AND SUCH OTHER EVIDENCE
17 RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE
18 BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S
19 DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE
20 RESPONDENT, AND THE ORDER BECOMES FINAL AS TO THAT PERSON BY
21 OPERATION OF LAW. THE BOARD SHALL CONDUCT THE HEARING IN
22 ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105, C.R.S.

23 (III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST
24 WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED
25 WITHOUT THE REQUIRED CERTIFICATION, OR HAS OR IS ABOUT TO ENGAGE
26 IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 2, THE
27 BOARD MAY ISSUE A FINAL CEASE-AND-DESIST ORDER, DIRECTING THE

1 PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR
2 UNCERTIFIED PRACTICES.

3 (IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET
4 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (11), OF THE FINAL
5 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE
6 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON
7 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER
8 ISSUED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) IS EFFECTIVE
9 WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

10 (12) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE
11 EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR
12 IS ABOUT TO ENGAGE IN ANY UNCERTIFIED ACT OR PRACTICE, ANY ACT OR
13 PRACTICE CONSTITUTING A VIOLATION OF THIS PART 2, A RULE
14 PROMULGATED UNDER THIS PART 2, AN ORDER ISSUED UNDER THIS PART
15 2, OR AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE
16 SANCTION UNDER THIS PART 2, THE BOARD MAY ENTER INTO A
17 STIPULATION WITH THE PERSON.

18 (13) IF A PERSON FAILS TO COMPLY WITH A FINAL
19 CEASE-AND-DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST
20 THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL
21 DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING SUIT FOR A
22 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO
23 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.
24 UPON RECEIVING THE REQUEST, THE ATTORNEY GENERAL OR DISTRICT
25 ATTORNEY SHALL BRING THE SUIT AS REQUESTED.

26 **12-41-213. Mental and physical examination of certified**
27 **physical therapist assistants. (1) IF THE BOARD HAS REASONABLE**

1 CAUSE TO BELIEVE THAT A CERTIFIED PHYSICAL THERAPIST ASSISTANT IS
2 UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY, THE BOARD
3 MAY REQUIRE THE CERTIFIED PHYSICAL THERAPIST ASSISTANT TO TAKE A
4 MENTAL OR PHYSICAL EXAMINATION BY A HEALTH CARE PROVIDER
5 DESIGNATED BY THE BOARD. IF THE CERTIFIED PHYSICAL THERAPIST
6 ASSISTANT REFUSES TO UNDERGO THE MENTAL OR PHYSICAL
7 EXAMINATION, UNLESS DUE TO CIRCUMSTANCES BEYOND THE CERTIFIED
8 PHYSICAL THERAPIST ASSISTANT'S CONTROL, THE BOARD MAY SUSPEND
9 THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S CERTIFICATION UNTIL
10 THE RESULTS OF THE EXAMINATION ARE KNOWN AND THE BOARD HAS
11 MADE A DETERMINATION OF THE CERTIFIED PHYSICAL THERAPIST
12 ASSISTANT'S FITNESS TO PRACTICE. THE BOARD SHALL PROCEED WITH AN
13 ORDER FOR EXAMINATION AND DETERMINATION IN A TIMELY MANNER.

14 (2) AN ORDER ISSUED TO A CERTIFIED PHYSICAL THERAPIST
15 ASSISTANT UNDER SUBSECTION (1) OF THIS SECTION TO UNDERGO A
16 MENTAL OR PHYSICAL EXAMINATION MUST CONTAIN THE BASIS OF THE
17 BOARD'S REASONABLE CAUSE TO BELIEVE THAT THE CERTIFIED PHYSICAL
18 THERAPIST ASSISTANT IS UNABLE TO PRACTICE WITH REASONABLE SKILL
19 AND SAFETY. FOR THE PURPOSES OF A DISCIPLINARY PROCEEDING
20 AUTHORIZED BY THIS PART 2, THE CERTIFIED PHYSICAL THERAPIST
21 ASSISTANT IS DEEMED TO HAVE WAIVED ALL OBJECTIONS TO THE
22 ADMISSIBILITY OF THE EXAMINING HEALTH CARE PROVIDER'S TESTIMONY
23 OR EXAMINATION REPORTS ON THE GROUND THAT THEY ARE PRIVILEGED
24 COMMUNICATIONS.

25 (3) THE CERTIFIED PHYSICAL THERAPIST ASSISTANT MAY SUBMIT
26 TO THE BOARD TESTIMONY OR EXAMINATION REPORTS FROM A HEALTH
27 CARE PROVIDER CHOSEN BY THE CERTIFIED PHYSICAL THERAPIST

1 ASSISTANT PERTAINING TO THE CONDITION THAT THE BOARD HAS ALLEGED
2 MAY PRECLUDE THE CERTIFIED PHYSICAL THERAPIST ASSISTANT FROM
3 PRACTICING WITH REASONABLE SKILL AND SAFETY. THE BOARD MAY
4 CONSIDER SUCH TESTIMONY OR EXAMINATION REPORTS IN CONJUNCTION
5 WITH, BUT NOT IN LIEU OF, TESTIMONY AND EXAMINATION REPORTS OF THE
6 HEALTH CARE PROVIDER DESIGNATED BY THE BOARD.

7 (4) A PERSON SHALL NOT USE THE RESULTS OF ANY MENTAL OR
8 PHYSICAL EXAMINATION ORDERED BY THE BOARD AS EVIDENCE IN ANY
9 PROCEEDING OTHER THAN ONE BEFORE THE BOARD. THE EXAMINATION
10 RESULTS ARE NOT PUBLIC RECORDS AND ARE NOT AVAILABLE TO THE
11 PUBLIC.

12 **12-41-214. Examinations - notice - confidential agreements.**

13 (1) IF A CERTIFIED PHYSICAL THERAPIST ASSISTANT SUFFERS FROM A
14 PHYSICAL OR MENTAL ILLNESS OR CONDITION RENDERING THE CERTIFIED
15 PHYSICAL THERAPIST ASSISTANT UNABLE TO PRACTICE WITH REASONABLE
16 SKILL AND PATIENT SAFETY, THE CERTIFIED PHYSICAL THERAPIST
17 ASSISTANT SHALL NOTIFY THE BOARD OF THE ILLNESS OR CONDITION IN A
18 MANNER AND WITHIN A PERIOD OF TIME DETERMINED BY THE BOARD. THE
19 BOARD MAY REQUIRE THE CERTIFIED PHYSICAL THERAPIST ASSISTANT TO
20 SUBMIT TO AN EXAMINATION, OR THE BOARD MAY EVALUATE THE EXTENT
21 OF THE ILLNESS OR CONDITION AND ITS IMPACT ON THE CERTIFIED
22 PHYSICAL THERAPIST ASSISTANT'S ABILITY TO PRACTICE WITH
23 REASONABLE SKILL AND SAFETY TO PATIENTS.

24 (2) (a) UPON DETERMINING THAT A CERTIFIED PHYSICAL
25 THERAPIST ASSISTANT WITH A PHYSICAL OR MENTAL ILLNESS OR
26 CONDITION IS ABLE TO RENDER LIMITED PHYSICAL THERAPY WITH
27 REASONABLE SKILL AND PATIENT SAFETY, THE BOARD MAY ENTER INTO A

1 CONFIDENTIAL AGREEMENT WITH THE CERTIFIED PHYSICAL THERAPIST
2 ASSISTANT IN WHICH THE CERTIFIED PHYSICAL THERAPIST ASSISTANT
3 AGREES TO LIMIT HIS OR HER PRACTICE BASED ON THE RESTRICTIONS
4 IMPOSED BY THE ILLNESS OR CONDITION, AS DETERMINED BY THE BOARD.

5 (b) THE AGREEMENT MUST SPECIFY THAT THE CERTIFIED PHYSICAL
6 THERAPIST ASSISTANT IS SUBJECT TO PERIODIC REEVALUATIONS OR
7 MONITORING AS DETERMINED APPROPRIATE BY THE BOARD.

8 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS
9 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF
10 MONITORING.

11 (d) BY ENTERING INTO AN AGREEMENT WITH THE BOARD UNDER
12 THIS SUBSECTION (2) TO LIMIT HIS OR HER PRACTICE, THE CERTIFIED
13 PHYSICAL THERAPIST ASSISTANT IS NOT ENGAGING IN UNPROFESSIONAL
14 CONDUCT. THE AGREEMENT IS AN ADMINISTRATIVE ACTION AND DOES
15 NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE BOARD.
16 HOWEVER, IF THE CERTIFIED PHYSICAL THERAPIST ASSISTANT FAILS TO
17 COMPLY WITH THE TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO
18 THIS SUBSECTION (2), THE FAILURE CONSTITUTES GROUNDS FOR
19 DISCIPLINARY ACTION UNDER SECTION 12-41-210 (1) (i) AND THE
20 CERTIFIED PHYSICAL THERAPIST ASSISTANT IS SUBJECT TO DISCIPLINE IN
21 ACCORDANCE WITH SECTION 12-41-211.

22 (3) THIS SECTION DOES NOT APPLY TO A PHYSICAL THERAPIST
23 ASSISTANT SUBJECT TO DISCIPLINE UNDER SECTION 12-41-210 (1) (h).

24 **12-41-215. Reports by insurance companies.** (1) (a) EACH
25 INSURANCE COMPANY LICENSED TO DO BUSINESS IN THIS STATE AND
26 ENGAGED IN THE WRITING OF MALPRACTICE INSURANCE FOR PHYSICAL
27 THERAPIST ASSISTANTS SHALL SEND TO THE BOARD INFORMATION ABOUT

1 ANY MALPRACTICE CLAIM THAT INVOLVES A PHYSICAL THERAPIST
2 ASSISTANT AND IS SETTLED OR IN WHICH JUDGMENT IS RENDERED AGAINST
3 THE INSURED.

4 (b) IN ADDITION, THE INSURANCE COMPANY SHALL SUBMIT
5 SUPPLEMENTARY REPORTS CONTAINING THE DISPOSITION OF THE CLAIM TO
6 THE BOARD WITHIN NINETY DAYS AFTER SETTLEMENT OR JUDGMENT.

7 (2) REGARDLESS OF THE DISPOSITION OF ANY CLAIM, THE
8 INSURANCE COMPANY SHALL PROVIDE SUCH INFORMATION AS THE BOARD
9 FINDS REASONABLY NECESSARY TO CONDUCT ITS OWN INVESTIGATION
10 AND HEARING.

11 **12-41-216. Unauthorized practice - penalties.** ANY PERSON
12 WHO VIOLATES SECTION 12-41-202 OR 12-41-203 WITHOUT AN ACTIVE
13 CERTIFICATION ISSUED UNDER THIS PART 2 COMMITS A CLASS 2
14 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
15 18-1.3-501, C.R.S.

16 **12-41-217. Violation - fines.** (1) NOTWITHSTANDING SECTION
17 12-41-216, THE BOARD MAY ASSESS A FINE FOR A VIOLATION OF THIS PART
18 2 OR A RULE ADOPTED UNDER THIS PART 2.

19 (2) THE FINE SHALL NOT BE GREATER THAN ONE THOUSAND
20 DOLLARS AND SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO
21 SHALL CREDIT THE SAME TO THE GENERAL FUND.

22 (3) ALL FINES MUST BE IMPOSED IN ACCORDANCE WITH SECTION
23 24-4-105, C.R.S., BUT ARE NOT A SUBSTITUTE OR WAIVER OF A CRIMINAL
24 PENALTY.

25 **12-41-218. Injunctive proceedings.** THE BOARD MAY, IN THE
26 NAME OF THE PEOPLE OF THE STATE OF COLORADO, THROUGH THE
27 ATTORNEY GENERAL OF COLORADO, APPLY FOR AN INJUNCTION TO A

1 COURT TO ENJOIN A PERSON FROM COMMITTING AN ACT DECLARED TO BE
2 A MISDEMEANOR BY THIS PART 2. IF IT IS ESTABLISHED THAT THE
3 DEFENDANT HAS BEEN OR IS COMMITTING AN ACT DECLARED TO BE A
4 MISDEMEANOR BY THIS PART 2, THE COURT SHALL ENTER A DECREE
5 PERPETUALLY ENJOINING THE DEFENDANT FROM FURTHER COMMITTING
6 THE ACT. IF A PERSON VIOLATES AN INJUNCTION ISSUED UNDER THIS
7 SECTION, THE COURT MAY TRY AND PUNISH THE OFFENDER FOR CONTEMPT
8 OF COURT. AN INJUNCTION PROCEEDING IS IN ADDITION TO, AND NOT IN
9 LIEU OF, ALL PENALTIES AND OTHER REMEDIES PROVIDED IN THIS PART 2.

10 **12-41-219. Limitation on authority.** THE AUTHORITY GRANTED
11 TO THE BOARD BY THIS PART 2 DOES NOT AUTHORIZE THE BOARD TO
12 ARBITRATE OR ADJUDICATE FEE DISPUTES BETWEEN PHYSICAL THERAPIST
13 ASSISTANTS OR BETWEEN A PHYSICAL THERAPIST ASSISTANT AND
14 ANOTHER PARTY.

15 **12-41-220. Fees and expenses.** ALL FEES COLLECTED UNDER THIS
16 PART 2 SHALL BE DETERMINED, COLLECTED, AND APPROPRIATED IN THE
17 SAME MANNER AS SET FORTH IN SECTION 24-34-105, C.R.S. _____

18 **12-41-221. Repeal of part.** THIS PART 2 IS REPEALED, EFFECTIVE
19 SEPTEMBER 1, 2018. PRIOR TO THE REPEAL, THE FUNCTIONS OF THE
20 BOARD OF PHYSICAL THERAPY IN REGULATING PHYSICAL THERAPY
21 ASSISTANTS UNDER THIS PART 2 MUST BE REVIEWED AS PROVIDED FOR IN
22 SECTION 24-34-104, C.R.S.

23 **SECTION 35. Appropriation.** (1) In addition to any other
24 appropriation, there is hereby appropriated, out of any moneys in the
25 division of registrations cash fund created in section 24-34-105 (2)(b)(I),
26 Colorado Revised Statutes, not otherwise appropriated, to the department
27 of regulatory agencies, for allocation to the division of registrations, for

1 personal services and operating expenses, for the fiscal year beginning
2 July 1, 2011, the sum of one hundred one thousand eight hundred
3 fourteen dollars (\$101,814) cash funds and 1.4 FTE, or so much thereof
4 as may be necessary, for the implementation of this act.

5 (2) In addition to any other appropriation, there is hereby
6 appropriated, out of any moneys in the division of registrations cash fund
7 created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not
8 otherwise appropriated, to the department of regulatory agencies, for
9 allocation to the executive director's office and administrative services,
10 for legal services, for the fiscal year beginning July 1, 2011, the sum of
11 thirty-eight thousand eight hundred eighty-six dollars (\$38,886) cash
12 funds, or so much thereof as may be necessary, for the implementation of
13 this act.

14 (3) In addition to any other appropriation, there is hereby
15 appropriated, out of any moneys in the division of registrations cash fund
16 created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not
17 otherwise appropriated, to the department of regulatory agencies, for
18 allocation to the executive director's office and administrative services,
19 for information technology costs, for the fiscal year beginning July 1,
20 2011, the sum of twenty-three thousand six hundred eighty dollars
21 (\$23,680) cash funds, or so much thereof as may be necessary, for the
22 implementation of this act.

23 (4) In addition to any other appropriation, there is hereby
24 appropriated to the department of law, for the fiscal year beginning July
25 1, 2011, the sum of thirty-eight thousand eight hundred eighty-six dollars
26 (\$38,886) and 0.3 FTE, or so much thereof as may be necessary, for the
27 provision of legal services to the department of regulatory agencies

1 related to the implementation of this act. Said sum shall be from
2 reappropriated funds received from the department of regulatory agencies
3 out of the appropriation made in subsection (2) of this section.

4 (5) In addition to any other appropriation, there is hereby
5 appropriated to the governor - lieutenant governor - state planning and
6 budgeting, for allocation to the office of information technology, for the
7 fiscal year beginning July 1, 2011, the sum of twenty-three thousand six
8 hundred eighty dollars (\$23,680) cash funds, or so much thereof as may
9 be necessary, for the programming services to be provided to the
10 department of regulatory agencies related to the implementation of this
11 act. Said sum shall be from reappropriated funds received from the
12 department of regulatory agencies out of the appropriation made in
13 subsection (3) of this section.

14 **SECTION 36. Effective date.** This act shall take effect July 1,
15 2011.

16 **SECTION 37. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.